

Chapter 483

1981 REPLACEMENT PART

Motor Vehicle Equipment, Size, Weight; Abandoned Vehicles

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DEFINITIONS

483.002 "Axle," "balance trailer," "bicycle," "bicycle lane," "bicycle path," "bicycle trail," "business district" and "bus trailer" defined. As used in this chapter and in ORS chapter 487, except where the context otherwise requires:

(1) "Axle" means any structure or structures, whether in one or more segments, of any vehicle, supported by wheels and on which the wheels rotate, so spaced longitudinally that the centers thereof are included between two vertical parallel transverse planes 40 inches apart.

(2) "Balance trailer" means every vehicle without motive power, other than a trailer, pole trailer or semitrailer, designed so that its weight and that of its load is substantially balanced upon its axle or axles and coupled to the towing vehicle by a coupling device other than a kingpin and fifth-wheel assembly.

(3) "Business district" means the territory contiguous to a highway when 50 percent or more of the frontage thereon for a distance of 600 feet or more on one side, or 300 feet or more on both sides, is occupied by buildings used for business.

(4) "Bus trailer" means any trailer designed or used for carrying human beings.

(5) "Bicycle" has the meaning given that word in ORS 481.004.

(6) "Bicycle lane" means that part of the highway, adjacent to the roadway, designated by official signs or markings for use by persons riding bicycles or for use by persons riding mopeds as provided by ORS 487.707.

(7) "Bicycle path" means a public way maintained for exclusive use by persons riding bicycles and designated as such by official signs or markings.

(8) "Bicycle trail" means a publicly owned and maintained lane or way designated and signed for use as a bicycle route and includes both a bicycle lane and a bicycle path.

[Amended by 1973 c 580 §1; 1975 c 287 §7, 1975 c 451 §221; 1977 c 409 §14, 1979 c 871 §24]

483.004 "Chauffeur" defined. (1) As used in ORS 483.006 to 483.353, 483.382 to 483.396, 483.402 to 483.446 and 483.449 to 483.462, 483.540 to 483.545, 483.602 to 483.612, 483.991, 484.125, 487.190, 487.335, 487.475, 487.480, 487.495, 487.520, 487.660, 487.665, 487.680, 487.685, 487.850, 487.895, 487.900 and 487.915 to 487.940, except where

the context otherwise requires, the term "chauffeur" means every person who is employed by another for the principal purpose of driving a motor vehicle, and every person who drives a motor vehicle carrying persons or property for compensation; but does not include:

(a) Students operating vehicles commonly known and used as private passenger vehicles, which are not operated for compensation except in the transportation of students to or from school; and

(b) A person operating a motor vehicle in a voluntary commuter ridesharing arrangement as defined in ORS 656.025.

(2) As used in ORS 483.502 to 483.536, 483.628, 483.994 to 483.997 and 487.905, except where the context otherwise requires, the term "chauffeur" means any person who is employed by another for the principal purpose of operating a motor vehicle, and every person who drives a motor vehicle while in use as a public or common carrier of persons or property for a consideration other than the sharing of expenses. [Amended by 1975 c 451 §221a, 1981 c 227 §6]

483.006 "Combination of vehicles," "combined weight" and "department" defined. As used in this chapter and ORS chapter 487, except where the context otherwise requires:

(1) "Combination of vehicles" means two or more vehicles coupled together.

(2) "Combined weight" means the sum of the weight of the vehicle and the weight of the load resting thereon or sustained thereby.

(3) "Department" means the Department of Transportation. [Amended by 1975 c 451 §222]

483.008 "Division," "dromedary truck" and "gross weight" defined. As used in this chapter and ORS chapter 487, except where the context otherwise requires:

(1) "Division" means the Motor Vehicles Division of the Department of Transportation.

(2) "Dromedary truck" means every motor truck designed to carry a load and also carry and draw a balance trailer, semitrailer or mobile home.

(3) "Gross weight" means the weight of a vehicle or combination of vehicles, or wheel, or axle, or tandem axles or group of axles, without load plus the weight of any load thereon. [Amended by 1955 c.287 §29; 1965 c 398 §8; 1975 c.451 §223; 1977 c 409 §15]

483.010 "Group of axles" defined. As used in this chapter and ORS chapter 487, except where the context otherwise requires, "group of axles" means any two or more axles in sequence of one vehicle, or one or more axles of one vehicle and one or more axles of another vehicle in sequence in a combination of vehicles, so spaced longitudinally that the centers of the first and last axles of the group of axles are six feet or more apart, except that one axle of a set of tandem axles shall not be separated from the other axle as a part of a group of axles. [Amended by 1953 c 691 §12, 1957 c 188 §1, 1973 c 223 §1; 1975 c 451 §224, 1977 c 409 §16]

483.012 "Implement of husbandry" and "metal tires" defined. As used in this chapter and ORS chapter 487, except where the context otherwise requires.

(1) "Implement of husbandry" means every device or vehicle, including a farm tractor, used exclusively in agricultural operations. "Implement of husbandry" does not include motor vehicles as defined in ORS 481.040, semitrailers as defined in ORS 481.045 or trailers as defined in ORS 481.060 unless their design limits their use to agriculture.

(2) "Metal tire" means any tire the surface of which, in contact with the highway, is wholly or partly of metal or other hard nonresilient material, except that as used in ORS 483.502 to 483.536, 483.994 to 483.997 and 487.905, the term means any tire made of nonelastic material. [Amended by 1953 c.691 §12, 1965 c 398 §9, 1975 c 451 §225, 1977 c 362 §4, 1977 c 409 §17a]

483.014 "Motor bus," "motor truck" and "motor vehicle" defined. As used in this chapter and ORS chapter 487, except where the context otherwise requires:

(1) "Motor bus":

(a) Means every motor vehicle designed or used for carrying passengers and their personal baggage for compensation; but

(b) Does not include taxicabs designed or constructed to accommodate and transport not more than five passengers, exclusive of the driver, and fitted with taximeters or using or having some other device, method or system to indicate and determine the passenger fare paid for distance traveled.

(2) "Motor truck" means every motor vehicle designed, used or maintained primarily for the transportation of property and having a gross weight in excess of 8,000 pounds.

(3) "Motor vehicle" means every self-propelled vehicle or vehicle designed for self-propulsion. [Amended by 1955 c 240 §1, 1974 s.s c 55 §3, 1975 c 451 §226; 1981 c 818 §7a]

483.016 "Owner" and "pilot vehicle" defined. As used in this chapter and ORS chapter 487, except where the context otherwise requires:

(1) "Owner" means the person having all the incidents of ownership in a vehicle or where the incidents of ownership are in different persons, the person, other than a security interest holder or lessor, entitled to the possession of a vehicle under a security agreement, or a lease for a term of 10 or more successive days.

(2) "Pilot vehicle" means any motor vehicle escort accompanying a motor vehicle carrying or towing a load of a size or description not permitted under ORS 483.502 to 483.525.

[Amended by 1965 c 343 §17, 1973 c 310 §1, 1975 c 451 §227]

483.018 "Pneumatic tire," "pole or pipe dolly or pole trailer," "police officer" and "private road or driveway" defined. As used in this chapter and ORS chapter 487, except where the context otherwise requires:

(1) "Pneumatic tire" means any tire made of elastic material which is inflated with compressed air.

(2) "Pole or pipe dolly or pole trailer" or "pole trailer" means every vehicle without motive power designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach, or pole, or being boomed or otherwise secured to the towing vehicle and ordinarily used for transporting long or irregular-shaped loads such as logs, poles, pipes or structural members capable, generally, of sustaining themselves as beams between the towing vehicle and such pole or pipe dolly or pole trailer.

(3) "Police officer" includes a member of the Oregon State Police, a sheriff or deputy sheriff, and a city policeman.

(4) "Private road or driveway" means every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from him, but not used by other persons.

[Subsection (3) enacted as 1967 c 500 §2]

483.020 "Residence district," "road tractor" and "safety zone" defined. As used in this chapter and ORS chapter 487,

except where the context otherwise requires:

(1) "Residence district" means the territory contiguous to a highway not comprising a business district when the frontage on one or both sides of such highway for a distance of 300 feet or more is mainly occupied by dwellings, churches, public parks within cities or other residential service facilities or by dwellings and buildings used for business.

(2) "Road tractor" means every motor vehicle designed and used for drawing other vehicles and not so constructed as to carry any load thereon either independently or any part of the weight of a vehicle or load so drawn.

(3) "Safety zone" means the area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone. [Amended by 1971 c.393 §1; 1975 c.451 §228]

483.022 "School bus" and "semitrailer" defined. As used in this chapter and ORS chapter 487, except where the context otherwise requires:

(1) "School bus":

(a) Means every motor vehicle owned by a public or governmental agency and operated for the transportation of children to and from school or privately owned and operated for compensation for the transportation of children to or from school; but

(b) Does not include vehicles commonly known and used as private passenger vehicles and not operated for compensation except in the transportation of children to or from school.

(2) "Semitrailer" means every vehicle without motive power designed for carrying persons or property and for being drawn by and coupled to another vehicle by a kingpin and fifth-wheel assembly and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle. [Amended by 1977 c.409 §18]

483.024 "Sled," "snowmobile," "solid rubber tire," "solid tire," "solid-tired vehicle," "streetcar" and "tandem axles" defined. As used in this chapter and ORS chapter 487, except where the context otherwise requires:

(1) "Sled" means every vehicle moving over the highways of this state, except vehicles that move exclusively on revolving wheels

or rotating tracks in contact with the surface of the road.

(2) "Snowmobile" means a self-propelled vehicle capable of traveling over snow or ice, which utilizes as its means of propulsion an endless belt tread, or cleats, or any combination of these or other similar means of contact with the surface upon which it is operated, that is steered wholly or in part by skis or sled-type runners and is not otherwise registered in this state.

(3) "Solid rubber tire" or "solid tire" means every tire made of elastic material other than a pneumatic tire.

(4) "Solid-tired vehicle" means any vehicle having two or more solid or metal tires.

(5) "Streetcar" means every device traveling exclusively upon rails when upon or crossing a street, other than cars or trains propelled or moved by steam engine or by diesel engine.

(6) "Tandem axles" means any two or more axles so spaced longitudinally that their centers may be included between two vertical parallel transverse planes less than six feet apart and more than 40 inches apart. [Amended by 1959 c.124 §1, subsection (3) enacted as 1969 c.598 §8; 1971 c.618 §13; 1975 c.451 §228a]

483.026 "Tire," "tire width," "total tire width" and "tow car" defined. As used in this chapter and ORS chapter 487, except where the context otherwise requires:

(1) "Tire" means the band of material used on the circumference of a wheel, on the outer face of a track or on a runner of a sled, which forms the tread that comes in contact with the surface of the road; if no band is used, it means the tread or runner of a sled.

(2) "Tire width" means:

(a) Except as provided in paragraphs (b) and (c) of this subsection, the measure taken on the cross section of the tread of a wheel, the outer face of a track, or the runner of a sled.

(b) When applied to solid tires of a motor vehicle, the measure taken on the cross section between the flanges of the circumference of a wheel at the base of the tire as customarily measured and rated by the manufacturers of motor vehicles and tires.

(c) When applied to a pneumatic tire, the diameter of the cross section of such tire as customarily measured and rated by the manufacturers of motor vehicles and tires.

(3) "Total tire width" means the sum of the tire widths of all wheels of a vehicle.

(4) "Tow car" means a motor vehicle which has been altered or designed and equipped for and used in the business of towing vehicles by means of a crane, hoist, tow bar, tow line or dolly or is otherwise used to render assistance to other vehicles. [Amended by 1973 c 310 §2]

483.028 "Traffic," "traffic control signal" and "trailer" defined. As used in this chapter and ORS chapter 487, except where the context otherwise requires:

(1) "Traffic" means pedestrians, ridden or herded animals, vehicles, streetcars, trolley and motor busses and other conveyances, either singly or together, using any street or highway for purposes of travel.

(2) "Traffic control signal" means any device, whether manually, electrically or mechanically operated, by which traffic is directed.

(3) "Trailer" means every vehicle without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle.

483.030 "Tread," "trolley bus," "truck tractor," "utility trailer" and "vehicle" defined. As used in this chapter and ORS chapter 487, except where the context otherwise requires:

(1) "Tread" means that part of the outer circumference of a wheel or tire or outer face of a track that comes in contact with the surface of the road or, if a sled, that part of the runner that comes in contact with the surface of the road

(2) "Trolley bus" means every vehicle propelled by electric power obtained from overhead trolley wires, but not operated upon rails

(3) "Truck tractor" means every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle or load, or both, as drawn.

(4) "Utility trailer" means every vehicle designed like a balance trailer having a length not in excess of 15 feet and a gross weight not in excess of 8,000 pounds.

(5) "Vehicle" means every device in, upon or by which any person or property is or may

be transported or drawn upon a public highway, except devices:

(a) Moved exclusively by human power; or

(b) Used exclusively upon stationary rails or tracks. [Amended by 1977 c 409 §19, 1979 c 871 §25]

GENERAL PROVISIONS

483.032 [Amended by 1965 c 398 §10, 1967 c 488 §2; 1971 c 229 §1, 1974 s s c 6 §3, repealed by 1975 c 451 §291]

483.034 [Amended by 1975 c 451 §111, renumbered 487 665]

483.036 [Amended by 1965 c 368 §8, repealed by 1975 c 451 §291]

483.038 Effect of this chapter and ORS chapter 487 on permissive use of private roadway. Nothing in this chapter and ORS chapter 487 shall prevent the owner of real property used by the public for purposes of vehicular travel by permission of the owner and not as a matter of right, from prohibiting such use, or from requiring different or additional conditions than those specified in this chapter and ORS chapter 487, or otherwise regulating such use as may seem best to such owner.

483.040 [Amended by 1973 c 615 §3, 1975 c 451 §157; renumbered 487 850]

483.041 [1967 c 319 §2, repealed by 1975 c 451 §291]

483.042 [Repealed by 1975 c 451 §291]

483.043 [1953 c 186 §1, repealed by 1975 c 451 §291]

483.044 [Amended by 1959 c 124 §2, 1973 c 615 §4, repealed by 1975 c 451 §291]

483.045 [1959 c 350 §1, renumbered 487 660]

483.046 [Repealed by 1975 c 451 §291]

483.048 [Repealed by 1975 c 451 §291]

483.049 [1963 c 510 §2, repealed by 1975 c 451 §291]

483.050 Unlawful to drive defectively or unlawfully equipped vehicle; police permitted to stop vehicles and make inspections. (1) No person shall drive or move and no owner shall cause or knowingly permit to be driven or moved on any street or highway, any vehicle or combination of vehicles which is in such unsafe condition as to endanger any person, or which does not contain those parts or is not at all times equipped with such lamps and other equipment in proper condition and adjustment as required in this chapter and ORS chapter 487, or which is

equipped in any manner in violation of this chapter and ORS chapter 487.

(2) A police officer, upon reasonable cause to believe a person is driving or moving a vehicle or combination of vehicles on a street or highway in violation of subsection (1) of this section, may require the driver to stop and submit the vehicle or combination of vehicles to an inspection or tests by the officer as may be appropriate to determine if there is a violation of subsection (1) of this section.

(3) A state police officer may require a person driving a vehicle or combination of vehicles on a street or highway to stop and submit the vehicle or combination of vehicles to an inspection of the mechanical condition and equipment thereof at any location where members of the Oregon State Police are conducting tests and inspections of vehicles and when signs are displayed requiring such stop.

(4) Nothing contained in this chapter and ORS chapter 487 shall be construed to prohibit the use of additional parts and accessories on any vehicle not inconsistent with the provisions of this chapter and ORS chapter 487.

(5) A person who violates subsection (1) of this section commits a Class B traffic infraction. [Amended by 1967 c 212 §1; 1969 c 496 §1, 1975 c.451 §229]

483.052 Motor Vehicles Division to assist schools in promoting highway safety. The Motor Vehicles Division shall assist accredited schools and educational institutions of this state in the promotion of highway safety and shall carry on with other activities under the laws providing for the registration of motor vehicles and motor vehicle operators and chauffeurs, other projects having for their purpose the prevention of motor vehicle accidents.

483.054 Inspection of vehicles. The Motor Vehicles Division may at any time inspect any vehicle to determine its compliance with the equipment and other provisions of this chapter and ORS chapter 487. [Amended by 1955 c 287 §30]

483.060 [1969 c 496 §3, repealed by 1975 c 710 §10]

483.065 Notice of equipment violation; repair or adjustment required within 15 days. (1) If a vehicle inspected under ORS 483.050 (3) is found to be in violation of any equipment provision contained in this chapter and ORS chapter 487, the police officer may give a written notice to the driver. The notice

shall require that the vehicle be placed in a safe condition and its equipment in proper repair and adjustment specifying the particulars with reference thereto and that approval of the repair or adjustment be obtained within 15 days. The officer may in lieu of the issuance of the notice or in combination therewith issue a citation or written warning for violation of this chapter and ORS chapter 487.

(2) Every owner or driver, upon receiving a notice as provided by subsection (1) of this section, shall comply therewith and shall within 15 days secure approval from the state police. Approval may be obtained by presenting satisfactory proof to any office of the Oregon State Police that the defect has been corrected. In lieu of compliance with this section the vehicle shall not be operated upon the highways of this state. This section is not intended to preclude the issuance of citations for equipment violations if repair or adjustment is not perfected within 15 days. [1969 c 496 §4]

483.102 [Amended by 1971 c.340 §1, repealed by 1975 c 451 §291]

483.103 [1974 s s c.6 §2, 1975 c 451 §75, renumbered 487 475]

483.104 [Amended by 1953 c 38 §2, 1955 c.38 §1; 1959 c 124 §3; 1973 c.193 §1, repealed by 1975 c 451 §291]

483.106 [Amended by 1975 c 451 §76; renumbered 487 480]

483.108 [Amended by 1953 c.187 §2; 1957 c 357 §1; 1969 c 314 §55, repealed by 1975 c 451 §291]

483.110 [Amended by 1957 c 357 §2, 1975 c 451 §79; renumbered 487 495]

483.112 [Amended by 1955 c.462 §1; 1973 c.208 §1, repealed by 1975 c 451 §291]

483.114 [Amended by 1957 c.394 §1, repealed by 1975 c 451 §291]

483.116 [Amended by 1955 c.38 §2; 1957 c 145 §1; 1961 c 546 §7, 1963 c 425 §1, 1965 c 180 §1, 1965 c 415 §1, 1969 c 402 §1, 1971 c 607 §1, repealed by 1975 c 451 §291]

483.118 [Repealed 1975 by c 451 §291]

483.120 [Amended by 1955 c 598 §1; 1959 c 407 §1, 1961 c 547 §1, 1973 c.407 §20, 1974 s s c 6 §4, repealed by 1975 c.451 §291]

483.121 Record required when ambulance used; preservation; inspection. (1) When an ambulance is used as an emergency vehicle, the driver or chauffeur shall, within 24 hours after such use, cause to be made and signed by him a record of so much of the following as becomes known to him:

(a) The time of day and the date when ambulance service was requested.

(b) The name of the ambulance driver or chauffeur and the names of the emergency medical technicians as defined in ORS 485.500 who provided the service, one of whom may be the driver.

(c) The name and address of any individual to be transported.

(d) Any reason to believe the life of the individual is jeopardized by delay of the ambulance.

(e) The location from which the individual is to be transported.

(f) The name and address of any person who requested the ambulance service.

(g) The time of day when service for the individual is begun and ended.

(2) The owner of any ambulance shall cause any record made pursuant to subsection (1) of this section to be preserved for not less than seven years.

(3) Upon demand of any district attorney the custodian of any record made pursuant to subsection (1) of this section shall make the record available to that district attorney for the purpose of investigating any alleged violation of ORS 487.075 or 487.085 by a driver or chauffeur of an ambulance.

(4) The record shall also be made available to any authorized representative of the division who wishes to inspect the record for purposes of ascertaining identities of emergency medical technicians as defined in ORS 485.500. [1961 c 547 §3, 1973 c 407 §21; 1975 c 451 §231a]

483.122 [Repealed by 1975 c 451 §291]

483.124 [Amended by 1975 c 451 §84, renumbered 487.520]

483.126 [Amended by 1955 c 143 §1, 1957 c.691 §1, 1965 c 104 §1, 1971 c 252 §1, repealed by 1975 c.451 §291]

483.128 [Amended by 1965 c.121 §2, repealed by 1975 c.451 §291]

483.130 [Amended by 1953 c 17 §2; repealed by 1975 c.451 §291]

483.132 [Repealed by 1975 c 451 §291]

483.134 [Amended by 1961 c 254 §1, repealed by 1975 c.451 §291]

483.136 [Repealed by 1975 c.451 §291]

483.138 [Repealed by 1975 c.451 §291]

483.140 [Repealed by 1975 c.451 §291]

483.202 [Amended by 1961 c 660 §2; 1969 c.426 §1; repealed by 1975 c 451 §291]

483.204 [Amended by 1957 c 8 §1; 1961 c 660 §1, repealed by 1975 c 451 §291]

483.206 [Amended by 1967 c 497 §6, 1969 c 426 §2; repealed by 1975 c 451 §291]

483.208 [Amended by 1973 c 783 §1, repealed by 1975 c 451 §291]

483.210 [Amended by 1953 c 18 §2, repealed by 1975 c 451 §291]

483.212 [Repealed by 1975 c 451 §291]

483.214 [Amended by 1963 c 596 §1; 1975 c 213 §1; repealed by 1975 c 451 §291]

483.216 [Repealed by 1975 c 451 §291]

483.218 [Repealed by 1975 c 451 §291]

483.220 [Repealed by 1975 c 451 §291]

483.222 [Repealed by 1975 c 451 §291]

483.224 [Amended by 1959 c.124 §4, repealed by 1975 c 451 §291]

483.226 [Amended by 1959 c 124 §5, repealed by 1973 c.615 §11]

483.228 [Amended by 1959 c 124 §6; 1961 c 546 §8; 1971 c 607 §2, repealed by 1975 c.451 §291]

483.230 [Amended by 1959 c 124 §7, repealed by 1975 c 451 §291]

483.232 [Repealed by 1955 c 294 §3]

483.234 [Repealed by 1955 c 294 §3]

483.236 [1955 c 294 §1, repealed by 1975 c 451 §291]

483.302 [Amended by 1955 c 249 §1, 1967 c.237 §3, repealed by 1975 c.451 §291]

483.303 [1967 c 237 §2; repealed by 1975 c 451 §291]

483.304 [Amended by 1955 c 249 §2, 1965 c.17 §1; 1967 c 237 §4, 1973 c.510 §4, repealed by 1975 c 451 §291]

483.305 [1973 c.510 §2; 1974 s s c 55 §4; repealed by 1975 c 451 §291]

483.306 [Amended by 1975 c 451 §26; renumbered 487 190]

483.308 [Amended by 1959 c.124 §8, 1969 c 215 §1, repealed by 1975 c 451 §291]

483.310 [Amended by 1955 c.249 §3; repealed by 1975 c 451 §291]

483.312 [Amended by 1953 c 598 §2; repealed by 1975 c 451 §291]

483.314 [Repealed by 1975 c.451 §291]

483.316 [Amended by 1965 c 121 §1; repealed by 1975 c 451 §291]

483.318 [Amended by 1969 c.114 §1, repealed by 1975 c 451 §291]

483.320 [Renumbered 483 362]

483.322 [Amended by 1959 c 124 §9; renumbered 483.364]

483.324 [Renumbered 483 366]

483.326 [Renumbered 487 685]

483.328 [Renumbered 487 680]

483.330 [Amended by 1961 c 547 §4; repealed by 1975 c 451 §291]

483.332 [Repealed by 1975 c 451 §291]

483.334 [Amended by 1975 c 451 §51, renumbered 487 335]

483.336 [Repealed by 1975 c 451 §291]

483.338 [Repealed by 1975 c.451 §291]

483.340 [Repealed by 1953 c 124 §2]

483.342 [Repealed by 1953 c 124 §2]

483.343 [1969 c 628 §1, repealed by 1975 c 451 §291]

483.344 [Repealed by 1953 c 124 §2]

483.345 [1971 c 340 §3; 1973 c 679 §1; repealed by 1975 c 451 §291]

483.346 [1953 c.587 §1, 1975 c.451 §167, renumbered 487 895]

483.347 [1959 c 617 §2, repealed by 1975 c 451 §291]

483.348 [1953 c 587 §3, 1975 c 451 §168, renumbered 487 900]

ABANDONED VEHICLES

483.350 [1953 c 587 §2, repealed by 1975 c 451 §291]

483.351 Abandoning vehicles prohibited. (1) A person shall not abandon a vehicle upon a highway or upon any public or private property.

(2) The owner of the vehicle as shown by the records of the division shall be considered responsible for the abandonment of a vehicle in the manner described under subsection (1) of this section and liable for the cost of removal and disposition of the abandoned vehicle.

(3) A person who violates this section commits a Class B traffic infraction. [Formerly 483.380]

483.352 [1963 c 525 §1, 1973 c 219 §1, 1973 c 302 §1, 1975 c 82 §1; renumbered 487.915]

483.353 Appropriate agency to take vehicle into custody depending on location. (1) As used in this section, ORS 483.351 and 483.382 to 483.396, "appropriate authority" means the agency with authority to exercise those powers granted under this section, ORS 483.351 and 483.382 to 483.396. Those agencies are as follows:

(a) The Department of State Police may provide for a vehicle to be taken into custody if the vehicle is upon the right of way of a state highway, interstate highway or state

property. When the Department of State Police exercises the powers granted under this section, ORS 483.351 and 483.382 to 483.396, the department shall notify either the sheriff or an appropriate authority of the county in which the vehicle is located. The sheriff or other appropriate authority notified by the Department of State Police shall exercise the powers granted under this section, ORS 483.351 and 483.382 to 483.396 in lieu of the Department of State Police and shall act as the "appropriate authority" exercising authority over that vehicle.

(b) The sheriff of a county or a county agency with appropriate authority may take the vehicle into custody and exercise the powers granted under this section, ORS 483.351 and 483.382 to 483.396 if the vehicle is upon the right of way of a county road or any other highway or property within the boundaries of the county.

(c) The city police or a city agency with appropriate authority may take the vehicle into custody and exercise the powers granted under this section, ORS 483.351 and 483.382 to 483.396 if the vehicle is on a city street or alley or on an interstate highway or other highway within the boundaries of the city or on any other property within the boundaries of the city.

(2) Notwithstanding any other provision of law, action by the Department of State Police in exercising authority described under this section is not subject to ORS 183.310 to 183.550. This subsection does not relieve any agency operating as an appropriate authority on behalf of the Department of State Police from following the procedures established under this section, ORS 483.351 and 483.382 to 483.396.

(3) As used in this section "interstate highway" means a highway that is part of the National System of Interstate and Defense Highways established pursuant to section 103(e), title 23, United States Code. [1981 c 861 §5]

483.354 [1963 c 525 §2; 1973 c 302 §2; 1975 c 451 §168a, renumbered 487.920]

483.355 Notice of taking into custody or removal. If the appropriate authority takes a vehicle into custody and removes a vehicle under ORS 483.382 or proposes to do so, the appropriate authority shall give notice as follows:

(1) Except when immediately taking a vehicle into custody and removing the vehicle because it constitutes a hazard or obstruction to traffic, the authority shall provide notice before the proposed removal and custody and shall provide an explanation of procedures available for obtaining a hearing under ORS 483.357 by both of the following methods:

(a) By affixing a citation to the vehicle with the required information.

(b) By mailing notice, at least five days before taking the vehicle into custody, with the required information to the registered and legal owners at the address of each as shown by the records of the division. The five-day period under this paragraph does not include holidays, Saturdays or Sundays.

(2) When the vehicle is immediately taken into custody and removed because the vehicle constituted a hazard, the authority shall provide, by mail within 48 hours of the removal, notice with an explanation of procedures available for obtaining a hearing under ORS 483.357 to the registered and legal owners of the vehicle as shown in the records of the division. The notice shall state that the vehicle has been taken into custody and shall give the location of the vehicle and describe procedures for the release of the vehicle and for obtaining a hearing under ORS 483.357. The 48-hour period under this subsection does not include holidays, Saturdays or Sundays.

(3) Any notice given under this section before a vehicle is taken into custody and removed shall state:

(a) That the vehicle will be subject to being taken into custody and removed by the appropriate authority if the vehicle is not removed before the time set by the appropriate authority;

(b) The statute, ordinance or rule violated by the vehicle and under which the vehicle will be removed;

(c) The place where the vehicle will be held in custody or the telephone number and address of the appropriate authority that will provide the information;

(d) That the vehicle, if taken into custody and removed by the appropriate authority, will be subject to towing and storage charges and that a lien will attach to the vehicle and its contents;

(e) That the vehicle will be sold to satisfy the costs of towing and storage if the charges are not paid;

(f) That the owner, possessor or person having an interest in the vehicle is entitled to a hearing, before the vehicle is impounded, to contest the proposed custody and removal if a hearing is timely requested;

(g) That the owner, possessor or person having an interest in the vehicle may also challenge the reasonableness of any towing and storage charges at the hearing; and

(h) The time within which a hearing must be requested and the method for requesting a hearing.

(4) Any notice given under this section after a vehicle is taken into custody and removed shall state:

(a) That the vehicle has been taken into custody and removed, the identity of the appropriate authority that took the vehicle into custody and removed the vehicle and the statute, ordinance or rule under which the vehicle has been taken into custody and removed;

(b) The location of the vehicle or the telephone number and address of the appropriate authority that will provide the information;

(c) That the vehicle is subject to towing and storage charges, the amount of charges that have accrued to the date of the notice and the daily storage charges;

(d) That the vehicle and its contents are subject to a lien for payment of the towing and storage charges and that the vehicle and its contents will be sold to cover the charges if the charges are not paid by a date specified by the appropriate authority;

(e) That the owner, possessor or person having an interest in the vehicle and its contents is entitled to a prompt hearing to contest the validity of taking the vehicle into custody and removing it and to contest the reasonableness of the charges for towing and storage if a hearing is timely requested;

(f) The time within which a hearing must be requested and the method for requesting a hearing; and

(g) That the vehicle and its contents may be immediately reclaimed by presentation to the appropriate authority of satisfactory proof of ownership or right to possession and either payment of the towing and storage charges or the deposit of cash security or a bond equal to the charges with the appropriate authority.

[1981 c 861 §18]

483.356 [1963 c 525 §3; 1975 c 82 §2; renumbered 487 925]

483.357 Hearing to contest validity of removal or custody. (1) A person provided notice under ORS 483.355 or any other person who reasonably appears to have an interest in the vehicle may request a hearing under this section to contest the validity of the removal and custody or proposed removal and custody of a vehicle under ORS 483.382 by submitting a request for hearing with the appropriate authority not more than five days from the mailing date of the notice under ORS 483.355. The five-day period in this subsection does not include holidays, Saturdays or Sundays.

(2) If the appropriate authority receives a request for hearing under this section before the vehicle is taken into custody and removed under ORS 483.382, the vehicle shall not be removed unless the vehicle constitutes a hazard.

(3) A request for hearing under this section shall be in writing and shall state grounds upon which the person requesting the hearing believes that the custody and removal of the vehicle is not justified.

(4) Upon receipt of a request for a hearing under this section, the appropriate authority shall set a time for the hearing within 72 hours of the receipt of the request and shall provide notice of the hearing to the person requesting the hearing and to the registered and legal owners of the vehicle, if not the same as the person requesting the hearing. The 72-hour period in this subsection does not include holidays, Saturdays or Sundays.

(5) If the appropriate authority finds, after hearing and by substantial evidence on the record, that the custody and removal of a vehicle under ORS 483.382 was:

(a) Invalid, the appropriate authority shall order the immediate release of the vehicle to the owner or person with right of possession. If the vehicle is released under this paragraph, the person to whom the vehicle is released is not liable for any towing or storage charges. If the person has already paid the towing and storage charges on the vehicle, the authority responsible for taking the vehicle into custody and removing the vehicle shall reimburse the person for the charges. New storage costs on the vehicle will not start to accrue, however, until more than 24 hours after the time the vehicle is officially released to the person under this paragraph.

(b) Valid, the appropriate authority shall order the vehicle to be held in custody until the costs of the hearing and all towing and

storage costs are paid by the party claiming the vehicle. If the vehicle has not yet been removed, the appropriate authority shall order its removal.

(6) A person who fails to appear at a hearing under this section is not entitled to another hearing unless the person provides reasons satisfactory to the appropriate authority for the person's failure to appear.

(7) An appropriate authority is only required to provide one hearing under this section for each time the appropriate authority takes a vehicle into custody and removes the vehicle or proposes to do so.

(8) A hearing under this section may be used to determine the reasonableness of the charge for towing and storage of the vehicle. Towing and storage charges set by law, ordinance or rule or that comply with law, ordinance or rule are reasonable for purposes of this subsection.

(9) An authority shall provide a written statement of the results of a hearing held under this section to the person requesting the hearing.

(10) Hearings held under this section may be informal in nature, but the presentation of evidence in a hearing shall be consistent with the presentation of evidence required for contested cases under ORS 183.450.

(11) The hearings officer at a hearing under this section may be an officer, official or employe of the appropriate authority but shall not have participated in any determination or investigation related to taking into custody and removing the vehicle that is the subject of the hearing.

(12) The determination of a hearings officer at a hearing under this section is final and is not subject to appeal. [1981 c 861 §19]

483.360 Effect on city or county. The provisions of ORS 483.351, 483.353 and 483.382 to 483.396 establish minimum requirements subject to the following:

(1) Notwithstanding subsection (2) of this section, a county or incorporated city may supersede the provisions of ORS 483.351, 483.353 and 483.382 to 483.396 by ordinance or charter provision.

(2) Any appropriate authority may adopt rules or procedures that do not conflict with ORS 483.351, 483.353 and 483.382 to 483.396 to provide for additional protection for the owner or person with an interest in a vehicle subject ORS 483.351, 483.353 and 483.382 to

483.396 or that more quickly accomplishes the procedures established under ORS 483.351, 483.353 and 483.382 to 483.396. [1981 c.861 §22]

483.362 [Formerly 483.320, 1971 c 76 §1; 1971 c.607 §3; repealed by 1975 c.451 §291]

483.364 [Formerly 483.322; repealed by 1975 c.451 §291]

483.365 Application of ORS 483.355 and 483.357 to vehicle held in criminal investigation. ORS 483.355 and 483.357 do not apply to vehicles being held as part of any criminal investigation by any police agency. [1981 c.861 §21]

483.366 [Formerly 483.324; repealed by 1975 c 451 §291]

483.380 [1967 c.484 §8; 1977 c 882 §14, 1981 c 861 §6; renumbered 483.351]

483.382 Taking abandoned or disabled vehicle into custody. (1) An appropriate authority may take a vehicle into custody and remove the vehicle if the appropriate authority has reason to believe a vehicle is disabled or abandoned and the vehicle has been parked or left standing upon any public way for a period in excess of 24 hours, without authorization by statute or local ordinance.

(2) Vehicles taken into custody under this section shall be held at the expense of the owner or person entitled to possession thereof.

(3) The authority taking custody of a vehicle under this section may utilize its own personnel, equipment and facilities for the removal and preservation of such vehicles, or may hire or otherwise engage other personnel, equipment and facilities for that purpose except as otherwise provided under ORS 483.353.

(4) Notwithstanding the time provisions of subsection (1) of this section, an appropriate authority may immediately take custody of a vehicle that is disabled, abandoned, parked or left standing unattended on a road or highway right of way and that is in such a location as to constitute a hazard or obstruction to motor vehicle traffic using the road or highway.

(5) At the request of the owner or person in lawful possession of land, an appropriate authority may take a vehicle into custody and remove the vehicle as provided under this section if the vehicle is parked or left standing upon any private property without the express consent of the owner or person in lawful possession or control of the property.

(6) Any action taken under this section is subject to the notice and hearing requirements under ORS 483.355 and 483.357, except when a vehicle is taken into custody and removed from private property at the request of the owner or person in lawful custody of private property under subsection (5) of this section. [1955 c.411 §1, 1965 c.245 §1; 1967 c 484 §1; 1973 c 441 §1; 1979 c.625 §1, 1981 c.861 §7]

483.383 Lien for towing. (1) Any person who, at the request of an appropriate authority, tows an abandoned vehicle, a vehicle taken into custody under the provisions of ORS 483.382 or a vehicle left parked or standing in violation of ORS 487.575 to 487.585 from public property or an abandoned vehicle from private property:

(a) Except as otherwise provided in this section, shall have a lien on the vehicle and its contents in accordance with ORS 87.152 for the just and reasonable charges for the towing service performed and any storage provided;

(b) May retain possession of the vehicle and contents until such charges are paid; and

(c) Shall provide written notice, approved by the appropriate authority, containing information on the procedures necessary to obtain a hearing under ORS 483.357 to each person who seeks to redeem the vehicle.

(2) A lien described under this section does not attach:

(a) To the contents of any vehicle taken from public property until 15 days after taking the vehicle into custody.

(b) To any vehicle that is taken into custody for violation of ORS 487.575 to 487.585.

[1969 c.214 §2, 1979 c 625 §2, 1981 c.861 §8]

483.384 Notice to owner; appraisal of value. (1) If a vehicle is removed and held by or at the direction of an appropriate authority, under ORS 483.382, the appropriate authority shall cause the vehicle to be appraised within a reasonable time by a person with a permit issued under ORS 483.396.

(2) The appropriate authority shall provide notice and hearing under ORS 483.355 and 483.357 when a vehicle is taken into custody under ORS 483.382, except when a vehicle is taken into custody and removed from private property at the request of the owner or person in lawful custody of private property under ORS 483.382 (5). [1955 c.411 §2; 1965 c 245 §2, 1967 c 484 §2; 1975 c 296 §1, 1979 c.625 §3; 1981 c.861 §9]

483.386 Owner reclaiming vehicle.

The legal owner, owner or person entitled to possession of a vehicle taken into custody and held under ORS 483.382:

(1) May reclaim the vehicle at any time after it is taken into custody and before the same is sold under ORS 483.388, upon presentation to the appropriate authority of satisfactory proof of ownership or right to possession and except as provided in subsection (2) of this section upon payment of the costs and expenses incurred in the removal, preservation and custody of the vehicle, and

(2) Shall not be liable for nor required to pay storage charges for a period in excess of 60 days. [1955 c 411 §3; 1965 c 245 §3, 1967 c 484 §3; 1979 c 625 §4, 1981 c 861 §10]

483.388 Sale of vehicle if not reclaimed; right of former owner to vehicle.

If a vehicle is not reclaimed under ORS 483.386 within 30 days after it is taken into custody, the appropriate authority under ORS 483.384 shall either sell the vehicle and its contents at public auction in the manner provided in ORS 87.192 to 87.196 or dispose of the vehicle in a manner provided by local ordinance. After any vehicle has been sold under this section, the former legal owner, owner or person entitled to possession has no further right, title, claim or interest in or to the vehicle itself or the contents. The contents of any vehicle sold under this section are subject to the same conditions of sale under ORS 483.386 to 483.396 as the vehicle in which they are found. [1955 c 411 §4, 1965 c 245 §4, 1967 c 484 §4, 1979 c 625 §5; 1981 c 861 §11]

483.390 Certificate of sale; issuing certificate of title and registration card for vehicles.

(1) When any vehicle is sold under ORS 483.388, the authority selling the vehicle under that section, at the time of the payment of the purchase price, shall execute a certificate of sale in duplicate. The original certificate of sale shall be delivered to the purchaser and the copy shall be retained by the authority. The certificate of sale shall contain the name and address of the purchaser, the date of sale, the consideration paid, a description of the vehicle and a stipulation that no warranty is made as to the condition or title of the vehicle.

(2) The purchaser, upon presentation of the certificate of sale to the Motor Vehicles Division and payment of the fees required by law, is entitled to be issued a certificate of

title and a registration card for the vehicle.

[1955 c 411 §5, 1965 c.245 §5; 1981 c 861 §12]

483.392 Transmitting return of sale and balance of proceeds.

(1) When any vehicle is sold under ORS 483.388, the authority selling the vehicle shall transmit to the Motor Vehicles Division, and to the treasurer of that authority a return of sale setting forth:

- (a) A description of the vehicle;
- (b) The purchase price;
- (c) The name and address of the purchaser;
- (d) The costs incurred in the sale; and

(e) The costs and expenses incurred in the removal, preservation and custody of the vehicle.

(2) The authority selling the vehicle under ORS 483.388 shall transmit to the treasurer of that authority, with the return of sale, the balance of the proceeds of the sale. The authority may deduct from the proceeds the costs incurred in the sale and the costs and expenses incurred in the removal, preservation and custody of the vehicle. Upon receipt of the return of sale and such proceeds, the treasurer of the authority shall deposit such proceeds in the general fund of the authority and file in the treasurer's office the return of sale. [1955 c 411 §6, 1959 c 257 §1, 1965 c 245 §6; 1981 c.861 §13]

483.394 Claim by former owner to balance of proceeds.

At any time within two years after the sale of a vehicle under ORS 483.388, the former owner of the vehicle may recover the proceeds from the general fund of the selling authority under ORS 483.392 by filing a claim with the authority. The claim shall be audited and paid as are other claims against the authority. [1955 c 411 §7, 1959 c 257 §2; 1961 c 244 §1, 1965 c 245 §7, 1981 c.861 §14]

483.395 Sale or disposition of vehicle appraised at \$750 or less; rights of owner.

(1) This section provides for the disposition of a vehicle appraised under ORS 483.384 at a value of \$750 or less. If the vehicle is appraised at \$750 or less, the appropriate authority shall file with the division an affidavit describing the vehicle, including the license plates, if any, stating the location and appraised value of the vehicle, that the vehicle will be junked or dismantled, and that:

(a) Notice of intent to junk or dismantle the vehicle has been sent with notification of the location of the vehicle to the legal owner

and owner or person entitled to possession as provided by ORS 483.384; or

(b) The owner has signed a release, under oath, disclaiming any future interest in the vehicle, which release shall be forwarded to the division with the affidavit.

(2) If either the legal owner, owner or person entitled to possession has not signed a release and has not, within 15 days after the date notification is mailed, reclaimed the vehicle, such action shall constitute a waiver of the interest of such person.

(3) Upon completion and forwarding of the affidavit, the appropriate authority may, without notice and public auction, dispose of the vehicle:

(a) By sale to a wrecker licensed under ORS 481.355 and execute a certificate of sale as provided by ORS 483.390; or

(b) By sale to any other person after first requiring that such person comply with the provisions of, and execute the forms required by ORS 481.430, and include such forms with the certificate of sale as provided by ORS 483.390. Upon such disposition the vehicle shall cease to be a vehicle or motor vehicle for the purposes of ORS chapters 481 to 483 and 487, excepting only the provisions of ORS 481.448.

(4) No person shall operate a vehicle previously sold pursuant to subsection (3) of this section unless the vehicle is registered as a reconstructed vehicle or assembled vehicle, as defined in ORS 481.002. Violation of this provision is a Class C misdemeanor. [1967 c 484 §6, 1969 c 214 §3, 1975 c 296 §2, 1979 c 518 §17, 1981 c 861 §15]

483.396 Qualifications for and issuance of appraiser permit; fee. (1) Appraisals of abandoned vehicles required by ORS 483.384 shall be made only by individuals possessing valid permits to perform such appraisals issued by the division.

(2) The division shall ascertain the qualifications and competence of individuals to conduct vehicle appraisals in accordance with rules adopted by the division and generally accepted methods of appraisal. The division shall issue permits to persons who qualify under the rules.

(3) Permits issued under this section:

(a) Expire two years from the date of issuance.

(b) Are subject to revocation or suspension if the division determines the person holding the permit has violated rules adopted by the division.

(c) May be renewed by the division in accordance with its rules.

(4) The division, by rule, may establish and charge a reasonable fee to cover the cost of issuance and renewal of permits under this section. The fee established by the division under this subsection shall not exceed \$10.

[1967 c 484 §7; 1981 c.861 §16]

Note: Section 16a, chapter 861, Oregon Laws 1981, provides:

Sec. 16a. (1) The Motor Vehicles Division must have rules adopted under ORS 483 396 as amended by section 16 of this Act approved by the Legislative Counsel Committee under this section before January 1, 1982

(2) The Legislative Counsel Committee shall review rules submitted to it under this section. If the rules are within the intent and scope of the enabling legislation, the committee shall approve the rules

EQUIPMENT (Generally)

483.398 Application of ORS chapters 483 and 487 to motor vehicles of special interest. The provisions of this chapter and ORS chapter 487 with respect to vehicle equipment shall apply to motor vehicles of special interest registered pursuant to ORS 481.205 (6) except that vehicles equipped with original manufacturer's equipment and accessories, or their equivalent, shall be deemed in compliance if maintained in safe operating condition. [1975 c.670 §7, subsections (2), (3) renumbered 483 556]

483.399 Application of equipment rules to implements of husbandry. The provisions of this chapter and ORS chapter 487 with respect to equipment on vehicles do not apply to implements of husbandry, road machinery, road rollers, farm tractors or vehicles described in ORS 481.205 (4)(a), except where expressly made applicable. [1975 c 451 §231]

EQUIPMENT ON VEHICLES (Lights)

483.402 When lights are required to be on; application of visibility and height provisions. (1) Subject to the specific exceptions with respect to parked vehicles, mopeds and motorcycles as provided in ORS 487.740,

lighted lamps and illuminating devices as specified in this chapter shall be displayed by every vehicle upon a highway within this state at any time from sunset to sunrise and at any other time when, due to insufficient light or unfavorable atmospheric conditions, persons and vehicles are not clearly discernible on such highway at a distance of 1,000 feet ahead.

(2) Whenever this chapter specifies:

(a) The distance from which lamps and devices shall render objects visible or within which lamps or devices shall be visible, such provisions shall apply during the times stated in subsection (1) of this section upon a straight, level unlighted highway under normal atmospheric conditions, unless a different time or condition is expressly stated.

(b) The mounted height of lamps or devices, they mean from the center of such lamp or device to the level ground upon which the vehicle stands.

(3) A person who violates subsection (1) of this section commits a Class B traffic infraction. [Amended by 1957 c 165 §3, 1967 c 490 §1, 1975 c 451 §232, 1979 c 379 §8, 1979 c 629 §4, 1979 c 871 §26a]

483.403 Driving with parking lights lighted prohibited when headlights required. (1) No vehicle shall be driven upon a highway with the parking lights lighted during the period when the display of lighted lamps and illuminating devices is required under ORS 483.402 except when:

(a) Such lights are being used as turn signal lights; or

(b) The head lamps are also lighted at the same time.

(2) As used in this section, the term "parking lights":

(a) Includes the white or amber parking lamps required by ORS 483.420, and any other lights mounted on the front of a vehicle, designed to be displayed primarily when the vehicle is parked.

(b) Does not include the clearance, identification and marker lamps required or authorized under ORS 483.410 or 483.442.

(3) A person who violates this section commits a Class B traffic infraction. [1957 c 165 §2, 1975 c 451 §233, 1979 c 872 §1]

483.404 Headlights required. (1) Every motor vehicle other than a moped or motorcycle shall be equipped with at least two head lamps, at least one on each side of the front of the vehicle.

(2) Every motorcycle or moped shall be equipped with at least one and not more than two head lamps.

(3) A head lamp shall be continuously burning and show a white light forward.

(4) The head lamps required by this section shall meet the standards established by the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C., Sec. 1381, et seq.) or the United Nations Agreement Concerning "The Adoption Of Approval And Reciprocal Recognition Of Approval For Motor Vehicle Equipment And Parts," done at Geneva on 20 March 1958, as amended and adopted by the Canadian Standards Association (CSA Standard D106.2), or both.

(5) A person who violates this section commits a Class B traffic infraction. [Amended by 1957 c 266 §1; 1973 c.580 §2, 1975 c.451 §234; 1977 c.233 §1, 1979 c 871 §27a, 1979 c 872 §2]

483.406 Taillights required. (1) Except as otherwise provided in this subsection, every motor vehicle, trailer, semitrailer, balance trailer, utility trailer and pole trailer or other vehicle being drawn at the end of a train of vehicles, shall be equipped with two tail lamps mounted on the rear which when lighted emits a red light plainly visible from a distance of 500 feet to the rear. In the case of:

(a) A train of vehicles, only the tail lamps on the rearmost vehicle need actually be visible from the distance specified.

(b) A motorcycle, only one tail lamp that otherwise complies with this section is required.

(2) Either a tail lamp or a separate lamp shall be so constructed and placed as to illuminate with a white light the rear registration plate and render it clearly legible from a distance of 50 feet to the rear.

(3) Any tail lamp, together with any separate lamp for illuminating the rear registration plate, shall be wired so as to be lighted whenever the head lamps or auxiliary driving lamps are lighted.

(4) A person who violates this section commits a Class B traffic infraction. [Amended by 1957 c 691 §2, 1975 c 451 §235, 1979 c 872 §3]

483.407 Stop lamps and turn signal lamps required; exceptions. (1) Except as otherwise provided in this subsection, every motor vehicle, trailer, semitrailer, balance

trailer, utility trailer and pole trailer shall be equipped with two stop lamps which are so constructed and located on a vehicle as to give a signal of intention to stop. When lighted they shall emit a steady burning red light plainly visible from a distance of 500 feet to the rear. On a combination of vehicles, only the stop lamps on the rearmost vehicle need actually be seen from the distance specified. Motorcycles are not required to be equipped with more than one stop lamp that otherwise meets the requirements of this section.

(2) Every motor vehicle, trailer, semitrailer, balance trailer, utility trailer and pole trailer, or combination of motor vehicles except motorcycles manufactured before 1973 shall be equipped with turn signal lamps, showing white or amber to the front and red or amber to the rear, which are so constructed and located on a vehicle as to give a signal of intention to turn right or left and understandable in normal sunlight and at a distance of 500 feet at night

(3) A person who violates this section commits a Class C traffic infraction. [1965 c 590 §2, 1975 c 451 §236, 1979 c.872 §4]

483.408 Rear reflectors required. (1) Every motor vehicle, other than a truck tractor, operated upon a highway, shall carry on the rear, either as parts of the tail lamps or separate, two red reflectors, mounted one on either side of the rear of the vehicle, except that:

(a) Vehicles of the types mentioned in ORS 483.410 shall be equipped with reflectors as required in that section.

(b) Motorcycles are not required to be equipped with more than one reflector that otherwise complies with this section.

(2) Every such reflector shall be mounted on a motor vehicle at a height not less than 15 inches nor more than 60 inches above the ground on which the vehicle stands and shall be of such size or characteristics and so mounted as to be visible at night from all distances within 500 feet to 50 feet from such vehicle.

(3) A person who violates this section commits a Class C traffic infraction. [Amended by 1961 c 53 §1, 1975 c 451 §237, 1979 c 872 §5]

483.410 Reflectors, clearance and marker lamps, and stop lights on various vehicles. In addition to other equipment required by this chapter and ORS chapter 487,

the following vehicles when operated upon a highway shall be equipped as follows:

(1) Every passenger transport vehicle as defined in ORS 487.430, motor bus, motor truck, trailer, semitrailer, balance trailer or utility trailer:

(a) On each side, two reflectors, one at or near the front and one at or near the rear.

(b) On the rear, two stop lamps, and two reflectors, one at each side.

(c) On each side, two side marker lamps, one at or near the front and one at or near the rear.

(2) In addition to the requirements of subsection (1) of this section, every motor bus, motor truck, trailer, semitrailer, balance trailer or utility trailer 80 inches or more in overall width and less than 30 feet in overall length:

(a) On the front, two clearance lamps, one at each side.

(b) On the rear, two clearance lamps, one at each side.

(c) On the front and rear, three identification lamps, as close as practicable to the top of the vehicle, at the same height, as close as practicable to the vertical centerline, with lamp centers spaced not less than 6 inches nor more than 12 inches apart.

(3) In addition to the requirements of subsections (1) and (2) of this section, every motor bus, motor truck, trailer, semitrailer or balance trailer 30 feet or more in overall length, regardless of its width:

(a) On each side, one intermediate side marker lamp at or near the midpoint between the front and rear side marker lamps.

(b) On each side, one reflector at or near the midpoint between the front and rear reflectors.

(4) A person who violates this section commits a Class B traffic infraction. [Amended by 1975 c 451 §238, 1979 c 872 §6]

483.412 Color of lamps and reflectors.

(1) Front clearance lamps and those marker lamps and reflectors mounted on the front, on the side near the front, or near the midpoint of a vehicle shall display or reflect an amber color.

(2) Rear clearance lamps and those marker or reflector lamps and reflectors mounted on the rear or side near the rear of a vehicle shall display or reflect a red color.

(3) All lighting devices and reflectors mounted on the rear of any vehicle shall display or reflect a red color except:

(a) A signal device may be red, amber or yellow;

(b) The lights of a rear mounted lighting system shall be green and yellow as well as red; and

(c) The light used only to illuminate the license plate shall be white.

(4) A person who violates this section commits a Class C traffic infraction. [Amended by 1973 c.274 §3; 1975 c.451 §239; 1979 c.872 §7]

483.414 Mounting reflectors and clearance lamps. (1) Reflectors shall be mounted at a height not less than 15 inches and not more than 60 inches above the ground on which the vehicle stands.

(2) The rear reflectors on pole trailers may be mounted on each side of the bolster or load.

(3) Any required red reflector on the rear of a vehicle may be incorporated with the tail light, but such reflector shall meet all the other reflector requirements of ORS 483.402 to 483.422.

(4) Clearance lamps shall be mounted on the permanent structure of the vehicle in such a manner as to indicate its extreme width and as near the top thereof as practicable. Clearance lamps and side marker lamps may be mounted in combination, if illumination is given as required with reference to both.

(5) The light and reflector devices required in ORS 483.410 shall be mounted, so far as practicable, in such manner as to reduce the hazard of being obscured by mud or dust thrown by the wheels.

(6) A person who violates this section commits a Class C traffic infraction. [Amended by 1975 c.451 §240, 1979 c.872 §8]

483.416 Visibility of reflectors, lamps and stop lights. (1) Every reflector shall be of such size and characteristics and so maintained as to be readily visible at night from a distance within 500 feet to 50 feet from the vehicle when directly in front of lawful upper beams of head lamps. Reflectors required to be mounted on the sides of the vehicle shall reflect the required color of light to the sides and those mounted on the rear shall reflect a red color to the rear.

(2) Front and rear clearance lamps, side marker lamps and identification lamps shall be capable of being seen and distinguished

under normal atmospheric conditions, at the times lights are required, at a distance of 500 feet from:

(a) The front of the vehicle, in the case of front clearance lamps and identification lamps.

(b) The rear of the vehicle, in the case of rear clearance lamps and identification lamps.

(c) The side of the vehicle, in the case of side marker lamps and intermediate lamps.

(3) Stop lights shall be actuated upon application of the service brake and shall be capable of being seen and distinguished from a distance of 500 feet to the rear of the vehicle in normal daylight, but shall not project a glaring or dazzling light. A stop light may be incorporated with a tail lamp.

(4) A person who violates this section commits a Class C traffic infraction. [Amended by 1975 c.451 §241; 1979 c.872 §9]

483.418 Lighting required for a combination of vehicles. (1) Whenever motor and other vehicles are operated in combination during the time that lights are required, any lamp, except the tail lamp, which by reason of its location on a vehicle of the combination would be obscured by another vehicle of the combination, need not be lighted; but this shall not affect the requirement that lighted clearance lamps be displayed on the front of the foremost vehicle required to have clearance lamps nor the requirement that all lights on the rear of the rearmost vehicle of any combination be lighted.

(2) A person who violates this section commits a Class B traffic infraction. [Amended by 1975 c.451 §242]

483.420 Lights required on parked vehicles. (1) Whenever a vehicle is parked or stopped upon a roadway or shoulder adjacent thereto, whether attended or unattended, during the times mentioned in ORS 483.402, it shall be equipped with one or more lamps which shall exhibit a white or amber light on the roadway side of the vehicle visible from a distance of 500 feet to the front of such vehicle and a red light visible from a distance of 500 feet to the rear of such vehicle. However, local authorities may provide by ordinance or resolution that no lights need be displayed upon any such vehicle when stopped or parked in accordance with local parking regulations upon a street or highway, where there is sufficient light to render clearly discernible any person or object within a distance of 500 feet

upon such street or highway. Any lighted head lamps upon a parked vehicle shall be depressed or dimmed.

(2) A person who violates this section commits a Class C traffic infraction. [Amended by 1959 c 124 §10, 1975 c 451 §243]

483.422 Lights required on miscellaneous vehicles. (1) All vehicles, including animal-drawn vehicles and vehicles referred to in ORS 483.399, not specifically required by 483.402 to 483.420 to be equipped with lamps, shall at the times specified in ORS 483.402 be equipped with at least one lighted lamp or lantern exhibiting a white light visible from a distance of 500 feet to the front of such vehicle and with a lamp or lantern exhibiting a red light visible from a distance of 500 feet to the rear of such vehicle.

(2) A person violating this section commits a Class C traffic infraction. [Amended by 1975 c 451 §244]

483.423 Warning lights. (1) Any vehicle may be equipped with lamps which may be used for the purpose of warning the operators of other vehicles of the presence of a vehicular traffic hazard requiring the exercise of unusual care in approaching, overtaking or passing and, when so equipped, may display such warning in addition to any other warning signals required by this chapter and ORS chapter 487 subject to the following:

(a) The lamps used to display such warning to the front shall be mounted at the same level and as widely spaced laterally as practicable, and shall display simultaneously flashing white or amber lights. The lamps used to display such warning to the rear shall be mounted at the same level and as widely spaced laterally as practicable, and shall show simultaneously flashing amber or red lights. These warning lights shall be visible from a distance of not less than 500 feet under normal atmospheric conditions at night. Such warning lamps shall not be used in lieu of flares as required by ORS 483.456.

(b) In lieu of the lamps described in paragraph (a) of this subsection, a vehicle operated by the state, or any county, city, district or other political subdivision of the state, and used for the construction, improvement, repair, maintenance, operation or patrol of a public highway, road or street, may be equipped with a lamp that flashes an amber light, either of a revolving beam or stationary type, visible from a distance of not less than 500

feet under normal atmospheric conditions at night. The lamp may be used during the day or at night.

(c) In lieu of the lamps described by paragraph (a) or (b) of this subsection, a vehicle that is operated by any state, county or city police officer and used for law enforcement may, when equipped with warning lamps, be equipped with one or more blue revolving or stationary-type flashing lamps visible from a distance of not less than 1,000 feet under normal atmospheric conditions at night. The lamps may be used during the day or at night. Except as provided by this paragraph, a blue warning lamp shall not be displayed on any vehicle.

(d) In addition to the lamps described in paragraph (a) of this subsection, a vehicle operated by a weighmaster proceeding under the authority of ORS 484.110 may be equipped with one or more red revolving or stationary-type flashing lamps.

(e) Tow cars shall be equipped with a lamp that flashes an amber or red light of a revolving type, visible as provided in paragraph (b) of this subsection. The operator shall activate the flashing amber or red light when the tow car is engaged in connecting with another vehicle and drawing it onto a street or highway or while servicing a disabled vehicle.

(f) In lieu of the lamps described in paragraph (a) of this subsection, a pilot vehicle may be equipped with a lamp that flashes an amber light of a revolving type, visible as provided in paragraph (a) of this subsection. The lamp may be activated whenever the vehicle is being used as a pilot vehicle.

(g) In lieu of the lamps described in paragraph (a) of this subsection, vehicles operated by a public utility involved in maintenance, repair or construction of their facilities along public rights of way may be equipped with a lamp that flashes an amber light, either of a revolving beam or stationary type, visible from a distance of not less than 500 feet under normal atmospheric conditions at night. This light may be used in the day or at night.

(h) In addition to the lights described in paragraph (a) of this subsection, a school bus or worker transport bus as defined in ORS 485.010 or a bus issued a permit under ORS 483.433 may be equipped with alternately flashing amber lights and alternately flashing red lights.

(2) Any vehicle in active service transporting United States mail may display two simul-

taneously flashing lights to be used for the purpose of warning other vehicle operators of its presence and to exercise caution in approaching, overtaking or passing. Such lights may be flashed continuously or actuated by application of the service brake while the vehicle is either in motion or parked. Such lamps shall have the following specifications and shall meet the following requirements:

(a) Lamps shall be Class A in size (at least 12 square inches of effective illuminated surface).

(b) Lamps shall be of double-face or two-way type.

(c) Lamps shall project an amber color to the front and a red color to the rear.

(d) Lights shall be visible from a distance of not less than 100 feet to the front and rear in normal sunlight.

(e) Lamps shall be mounted on the highest part of the top of the vehicles in such a position that the illumination from the lights is visible both to the front and rear for the required distance. Lamps shall be spaced laterally as far apart as body construction will permit. Between the lamps there shall be mounted a 22-inch by 7-inch sign with the wording "U.S. Mail" in four-inch letters in black on a white background. This sign and lamps shall be installed so that the sign can be easily lowered and the lamps turned off when the vehicle is not actually engaged in United States mail service.

(f) The lamps, sign, wiring, switches and mounting devices shall all be of a type which has been approved by the Motor Vehicles Division.

(3) A person who violates this section commits a Class B traffic infraction. [1957 c 463 §3, 1963 c 110 §1, 1969 c 233 §1, 1973 c 310 §3, 1973 c 783 §2; 1975 c 451 §245, 1977 c 510 §4, 1979 c 624 §1]

483.424 Arrangement of head lamps and other lights. Except as otherwise provided in ORS 483.430, the head lamps or the auxiliary driving or passing lamps or combinations thereof on motor vehicles shall be so arranged on any motor vehicle that the driver may select at will, or so that the selection can automatically be made, between distributions of light projected to different elevations, subject to the following requirements and limitations:

(1) Head lamps shall be aimed in accordance with rules adopted by the division.

(2) Auxiliary driving or passing lights shall be wired and aimed in accordance with rules adopted by the division.

(3) The rules adopted by the division pursuant to subsections (1) and (2) of this section shall be made available to the public in an appropriate publication.

(4) A person who violates this section commits a Class C traffic infraction. [Amended by 1955 c 124 §1; 1975 c 451 §246; 1979 c 872 §9a]

483.426 Light indicator visible to driver. (1) Every new motor vehicle registered in this state after January 1, 1940, which has multiple-beam road lighting equipment, shall be equipped with a beam indicator which shall be lighted when, and only when, the uppermost distribution of light from the head lamps is in use. The indicator shall be so designed and located that when lighted it will be readily visible without glare to the driver of the vehicle so equipped.

(2) A person who violates this section commits a Class D traffic infraction. [Amended by 1975 c.451 §247]

483.428 Distribution and intensity of headlights when on road and when meeting vehicle. Whenever a motor vehicle is being operated on a street or highway during the times specified in ORS 483.402 (1), the driver shall use a distribution of light or composite beam directed sufficiently high and of such intensity so as to reveal persons and vehicles on such street or highway at a safe distance in advance of the vehicle, subject to the following requirements and limitations:

(1) Whenever the driver of a vehicle approaches an oncoming vehicle within 500 feet he shall use a distribution of light or composite beam so aimed that the glaring rays are not projected into the eyes of the oncoming driver.

(2) The lowermost distribution of light specified in ORS 483.424 (2) shall be deemed to avoid glare at all times regardless of road contour and loading of the vehicle.

(3) Except when in the act of overtaking or passing, a driver of a vehicle following another vehicle within 350 feet to the rear shall use a distribution of light permissible under this chapter and ORS chapter 487 other than the uppermost distribution of light specified in ORS 483.424 (1).

(4) A person who violates this section

commits a Class B traffic infraction. [Amended by 1955 c 124 §2, 1975 c 451 §248]

483.430 Requirements when single distribution used. Head lamps arranged to provide a single distribution of light, not supplemented by auxiliary driving lamps, shall be permitted on a motor vehicle in lieu of multiple-beam road lighting equipment if the single distribution of light complies with the following requirements and limitations:

(1) Head lamps shall be so aimed that when the vehicle is not loaded, none of the high intensity portion of the light shall, at a distance of 25 feet ahead of the vehicle, project higher than five inches below the level of the center of the lamp from which it comes, or higher than 42 inches above the level on which the vehicle stands at a distance of 75 feet ahead of such vehicle.

(2) The intensity of the light of single-beam head lamps shall be sufficient to reveal persons and vehicles upon a street or highway at a distance of at least 200 feet ahead of the vehicle to which they are attached.

(3) A person who violates this section commits a Class C traffic infraction. [Amended by 1975 c 451 §249]

483.432 Limitations on lights at front of vehicles or equipment. (1) Whenever a motor vehicle equipped with head lamps as required in ORS 483.404 is also equipped with any auxiliary lamps or spot lamp or any other lamp on the front thereof projecting a beam of intensity greater than 300 candlepower, not more than a total of four of any such lamps shall be lighted at any one time when upon a street or highway.

(2) Any lighted lamp or illuminating device upon a motor vehicle, other than head lamps, spot lamps, auxiliary driving lamps, flashing turn signals, emergency vehicle warning lamps, school bus warning lamps and warning lamps upon a worker transport bus as defined in ORS 485.010, which projects a beam of light of an intensity greater than 300 candlepower, shall be so directed that no part of the high intensity portion of the beam will strike the level of the roadway on which the vehicle stands at a distance of more than 75 feet from the vehicle.

(3) No person shall drive or move any vehicle or equipment upon any street or highway with any lamp or device thereon displaying or carrying a red light visible from directly in front of such vehicle or equipment.

(4) Except as provided in ORS 483.423 and in subsections (5) and (6) of this section, flashing lights are prohibited on all motor vehicles on any street or highway except as a means for indicating a right or left turn.

(5) Subsection (3) of this section does not apply to, and subsection (4) of this section does not prohibit the display of flashing red lights on, authorized emergency vehicles, ambulances when operating under ORS 487.085, school busses, worker transport busses as defined in ORS 485.010, vehicles used by a public utility in making repairs to public utility facilities, vehicles authorized by police authorities in their respective jurisdictions to escort funeral processions, and vehicles used as provided in subsection (6) of this section.

(6) When authorized in writing by the governing body of a rural fire protection district or of a municipal fire department, any vehicle, whether privately or publicly owned, may display a flashing red light while being driven to a fire station or fire location: (a) By a fire chief, assistant fire chief or volunteer selected by the board of directors of a rural fire protection district organized under the provisions of ORS chapter 478; or (b) any person authorized to serve as fire chief, assistant fire chief or volunteer fireman by the governing body of any municipal fire department, in response to a fire alarm.

(7) Any red light authorized by subsection (6) of this section shall be covered or otherwise concealed when not being displayed as provided in subsection (6) of this section.

(8) Any lights displayed under the authority granted by subsection (6) of this section shall be, and shall remain, the property of the rural fire protection district or municipality involved.

(9) A person who violates any provision of this section commits a Class B traffic infraction. [Amended by 1953 c 374 §2, 1957 c 463 §1, 1961 c 457 §1, 1971 c 607 §4, 1975 c 451 §250; 1977 c 882 §70]

483.433 Permit to allow certain busses to use warning lights; application; fee.

(1) Upon receipt of a qualifying application and payment of any fee required under subsection (2) of this section, the division shall issue a permit that will allow the use of lights described in ORS 483.423 (1)(h) on any bus that is operated by a religious organization while the bus is being used to transport children to and from religious services or an activity or function authorized by the religious organization.

(2) The Motor Vehicles Division shall adopt rules necessary to carry out subsection (1) of this section. The division:

(a) May establish standards for application for a permit under this section.

(b) May require a fee for issuance of a permit under this section. Any fee charged under this paragraph shall not exceed the actual costs of issuing the permit.

(c) May provide for the revocation of a permit if the lights are used in circumstances not described in subsection (1) of this section.

(d) Shall adopt rules for operation of lights under a permit issued under this section. The standards adopted under this paragraph shall require the lights to be operated in a manner similarly to the manner for operation of the same lights on school busses

(e) Shall require, before issuance of a permit under this section, that the vehicle be equipped with both alternately flashing amber lights and alternately flashing red lights.

[1979 c 624 §3]

Note: 483.433 was enacted into law by the Legislative Assembly and was added to and made a part of ORS chapter 483 but not to any series therein by legislative action. See the Preface to Oregon Revised Statutes for further explanation.

483.434 Spot, auxiliary driving, fender and back-up lamps permitted. Any motor vehicle may be equipped with:

(1) Not to exceed one spot lamp. Every lighted spot lamp shall be so aimed and used, upon approaching another vehicle, that no part of the high-intensity portion of the beam will be directed to the left of the prolongation of the extreme left side of the vehicle upon which it is mounted, more than 100 feet ahead of such vehicle.

(2) Auxiliary lamps mounted on any vehicle for highway use shall be mounted at a height of 54 inches or less above the level surface upon which the vehicle stands. Auxiliary lights mounted higher than 54 inches shall not be lighted when the vehicle is used on a highway. Every such auxiliary lamp shall meet the requirements and limitations set forth in this chapter.

(3) Not more than two cowl or fender lamps which shall emit an amber or white light without glare.

(4) A back-up lamp either separately or in combination with another lamp. A back-up lamp shall not be lighted when the motor vehicle is in forward motion.

(5) A person who violates any provision of this section commits a Class B traffic infraction. [Amended by 1973 c 274 §4, 1975 c 451 §251; 1979 c 379 §10, 1979 c 872 §10a]

483.435 Optional vehicle rear mounted lighting system. (1) Every motor vehicle, trailer, semitrailer and pole trailer used in the State of Oregon may be equipped with a rear mounted lighting system which will consist of:

(a) A green light to be actuated when the accelerator is depressed;

(b) A yellow light to be actuated when the motor vehicle is moving forward or standing and idling, but not under power from its engine; and

(c) A red light to be actuated when the motor vehicle is being braked through the use of its braking system.

(2) The red and green lights of a rear mounted lighting system may be illuminated simultaneously. Otherwise, only one light of this system shall be illuminated at any one time, and either the green or yellow lights shall be illuminated when the red lights are not illuminated.

(3) The lights of a rear mounted lighting system shall be capable of being seen and distinguished as provided in ORS 483.416 (3).

(4) On a combination of vehicles, only the lights of a rear mounted lighting system on the rearmost vehicle need actually be seen and distinguished as provided in ORS 483.416 (3). [1973 c 274 §2]

483.436 Approval of lamps by Motor Vehicles Division. (1) No person shall sell or offer for sale for use upon or as part of the equipment of a motor vehicle, trailer, semitrailer, balance trailer, utility trailer or pole trailer, or shall use upon any such vehicle, any head lamp, auxiliary lamp, spot lamp, fog lamp, tail lamp, signal lamp or reflector required by this chapter and ORS chapter 487, or any part for such a lamp or reflector which tends to change the original design or performance, unless it is of a type which has been approved by the Motor Vehicles Division.

(2) No person shall sell or offer for sale for use upon or as a part of the equipment of a motor vehicle, trailer, semitrailer, balance trailer, utility trailer or pole trailer, any lamp or device mentioned in this section which has been approved by the Motor Vehicles Division unless such lamp or device bears thereon the trademark or name and serial number under

which it is approved so as to be legible when installed.

(3) No person shall use upon any motor vehicle, trailer, semitrailer, balance trailer, utility trailer or pole trailer any lamps mentioned in this section unless they are mounted, adjusted and aimed in accordance with the instructions of the Motor Vehicles Division.

(4) A person who violates any provisions of this section commits a Class B traffic infraction. [Amended by 1955 c 124 §3; 1979 c 872 §11]

483.437 Warning lights and sirens for ambulances may be prescribed by Motor Vehicles Division. Subject to any other statute or rule pursuant thereto relating to lighting or noise of a vehicle, the Motor Vehicles Division may prescribe required warning lights and sirens or other audible signals for ambulances as defined in ORS 485.500. Such requirements may include, but not be limited to, numbers required, placement, visibility, audibility, rate of flash if applicable and inside indicators. Each ambulance shall have such warning lights and such siren or other audible signal as the Motor Vehicles Division prescribes. [1973 c 407 §12; 1979 c.872 §12]

483.438 Procedure before and after lamps are approved. The Motor Vehicles Division shall:

(1) Approve or disapprove and issue and enforce regulations establishing standards and specifications for the approval of, any lamp, reflector or signal device of a type on which approval is required by ORS 483.436, including their installation, adjustment and aiming and their adjustment when in use on motor vehicles.

(2) Set up the procedure which shall be followed when any application covering such lamp, reflector or device is submitted for approval.

(3) Approve or disapprove any lighting device of a type on which approval is specifically required in this chapter and ORS chapter 487, within a reasonable time after such device has been submitted.

(4) Correlate and, so far as practicable, conform to the then current standards and specifications of the Society of Automotive Engineers applicable to such equipment.

(5) Upon approving any such lamp, reflector or device, issue to the applicant a certificate of approval, together with any instructions regarding its use that the Motor Vehi-

cles Division deems necessary to insure compliance with the requirements of this chapter and ORS chapter 487.

(6) Compile lists of all lamps, reflectors or devices by name and type which have been approved by the Motor Vehicles Division, and maintain these lists readily available for interested persons. [Amended by 1953 c 629 §2; 1955 c 124 §4, 1979 c 872 §13]

483.440 Suspension and renewal of certificates approving lamps. When the Motor Vehicles Division has reason to believe that any device, as it is being sold commercially, does not comply with the requirements under which it was approved pursuant to ORS 483.438, the division shall suspend the approval issued therefor until such device is retested by a recognized testing laboratory and is found to meet the requirements of this chapter and ORS chapter 487. The Motor Vehicles Division may require that all such devices sold prior to such suspension be replaced with devices which do comply with this chapter and ORS chapter 487. The Motor Vehicles Division may at any time purchase in the open market and submit to the testing laboratory one or more sets of any such approved device, and if the device upon retest fails to meet the requirements of this chapter and ORS chapter 487, the division may refuse to renew a certificate of approval of such device.

483.442 Specifications for lamps for vehicles of public utilities. With respect to vehicles operated under the jurisdiction of the Public Utility Commissioner of Oregon, such commissioner may adopt standard specifications at variance with those established by ORS 483.402 to 483.434, whenever standard specifications adopted by the Interstate Commerce Commission of the United States are different from those established by those sections. The standard specifications so adopted by the Public Utility Commissioner shall conform to standard specifications adopted by the Interstate Commerce Commission for vehicles operating in interstate commerce.

(Brakes)

483.443 [1967 c 393 §2, 1971 c 380 §1, repealed by 1975 c.451 §291]

483.444 Brakes required. (1) Every motor vehicle other than a moped or motorcycle when operated upon a highway shall be equipped with brakes adequate to control the

movement of and to stop and to hold such vehicle, including two separate means of applying the brakes, each of which means shall be effective to apply the brakes to at least two wheels. If these two separate means of applying the brakes are connected in any way, they shall be so constructed that failure of any one part of the operating mechanism shall not leave the motor vehicle without brakes on at least two wheels.

(2) Any combination of motor vehicle, trailer, semitrailer or other vehicle shall be equipped with brakes upon one or more of such vehicles adequate to stop such combination of vehicles within the distance specified for motor vehicles under the regulations set forth in subsection (5) or (6) of this section.

(3) Every motorcycle and moped, when operated upon a highway shall be provided with at least one brake, which may be operated by hand or foot.

(4) All brakes shall be maintained in good working order and shall conform to the regulations set forth in subsection (5) of this section.

(5) The brakes of every motor vehicle having a gross weight of less than 8,000 pounds shall be equipped with a service brake system that will stop the vehicle in a distance of 25 feet or less from a speed of 20 miles per hour without leaving a 12-foot wide lane.

(6) Motor vehicles having a gross weight of 8,000 pounds or more and combinations of vehicles shall be equipped with a service brake system that will stop the vehicle or combination of vehicles in a distance of 35 feet or less from a speed of 20 miles per hour without leaving a 12-foot wide lane.

(7) The test to be used in determining that vehicles meet the performance requirements set forth in subsections (5) and (6) of this section shall be conducted as prescribed by the Motor Vehicles Division. The test may be conducted by the use of instruments suitable for the purpose approved by the United States Bureau of Standards. No vehicle may be tested for brake efficiency at a speed higher than that permitted by law for such a vehicle.

(8) A person who violates any provision of this section commits a Class B traffic infraction. [Amended by 1975 c 451 §252; 1979 c 871 §29a; 1979 c 872 §14]

483.445 Specifications for hydraulic brake fluid. (1) The term "hydraulic brake fluid" as used in this section means the liquid

medium through which force is transmitted to the brakes in the hydraulic brake system of a vehicle.

(2) Hydraulic brake fluid shall be distributed and serviced with due regard for the safety of the occupants of vehicles and the public.

(3) The division shall, after public hearing following due notice, adopt and enforce regulations for the administration of this section and shall adopt and publish standards and specifications and labeling for hydraulic brake fluid which shall, so far as practicable, conform to the then current standards and specifications of the Society of Automotive Engineers applicable to such fluid.

(4) No person shall distribute, have for sale, offer for sale, sell or service any vehicle with any hydraulic brake fluid unless it complies with the requirements of this section.

(5) A person who violates subsection (4) of this section commits a Class A misdemeanor. [1963 c 374 §2 (1), (2), (3), (4), 1975 c 451 §253]

(Horns)

483.446 Horns and other sound equipment. (1) Every motor vehicle when operated upon a highway shall be equipped with a horn in good working order, capable of emitting sounds audible under normal conditions from a distance of not less than 200 feet.

(2) Except as otherwise provided in subsection (4) of this section, no vehicle shall be equipped with, and no person shall use upon a vehicle, any bell, siren, compression or exhaust whistle.

(3) No person shall, at any time, use a horn otherwise than as a reasonable warning or make any unnecessary or unreasonably loud or harsh sound by means of a horn or other warning device.

(4) Every authorized emergency vehicle used for emergency calls shall be equipped with a siren of a type approved by the Motor Vehicles Division.

(5) A person who violates this section commits a Class C traffic infraction. [Amended by 1975 c.451 §254; 1979 c 872 §15]

(Tires)**483.447 Traction tires or devices. (1)**

A person commits the offense of failure to use vehicle traction tires or traction devices if:

(a) The person operates a motor vehicle, trailer or semitrailer on any segment of a highway described under this section where signs are posted showing conditions that require vehicle traction tires or traction devices; and

(b) The vehicle is not equipped with vehicle traction tires or traction devices that are defined by the Oregon Transportation Commission under this section for the posted conditions.

(2) The offense described in this section, failure to use vehicle traction tires or traction devices, does not apply to the following vehicles when operated under the described conditions:

(a) Police vehicles under any conditions.

(b) Fire vehicles when responding to a fire.

(c) An ambulance, as defined in ORS 487.005, when responding to an emergency.

(d) A passenger vehicle or truck is not required to use any vehicle traction device if the vehicle or truck:

(A) Has an unloaded weight of 6,500 pounds or less;

(B) Is equipped and operated to provide power to both front and rear wheels;

(C) Is carrying vehicle traction devices defined by the commission under this section;

(D) Is equipped with tires, on all wheels, that are vehicle traction tires defined by the commission under this section;

(E) Is not towing another vehicle other than as may be necessary to remove disabled vehicles from the roadway; and

(F) Is not being operated in a manner or under conditions where the vehicle loses traction while stopping, cornering or moving.

(3) A person is only subject to the offense described in this section, failure to use vehicle traction tires or traction devices, if the person is operating a motor vehicle, trailer or semitrailer on one of the following described portions of highways that is posted as required under this section:

(a) The portion of highway number 173, commonly known as the Timberline Highway, that is between mileposts 0.12 and 5.49 on

that part of the highway between Government Camp and Timberline Lodge.

(b) The portion of highway number 26, route number US 26 and ORE 35, commonly known as the Mount Hood Highway, that is between mileposts 44 and 68 on that part of the highway between Rhododendron and Robinhood Forest Camp.

(c) The portion of highway number 53, route number US 26, commonly known as the Warm Springs Highway, that is between mileposts 57 and 71 on that part of the highway between its junction with Oregon Highway 35 and its Warm Springs Junction.

(d) The portion of highway number 16, route number US 20, commonly known as the Santiam Highway, that is between mileposts 52.5 and 88 on that part of the highway between Upper Soda and Jack Lake Road.

(e) The portion of highway number 162, route number ORE 22, commonly known as the North Santiam Highway, that is between mileposts 73 and 81.74 between Parrish Lake Road and the Santiam Junction.

(f) The portion of highway number 215, route number ORE 126, commonly known as the Clear Lake-Belknap Springs Highway, that is between mileposts 0 to 13.02 on that part of the highway between its junction with United States Highway 20 and its junction with Oregon Highway 242.

(g) The portion of highway number 18, route number ORE 58, commonly known as the Willamette Highway, that is between mileposts 48 and 64 on that part of the highway that starts east of McCredie Springs and runs toward Odell Lake.

(h) The portion of highway number 1, route number I-5, commonly known as the Pacific Highway, that is between mileposts 0 to 12 on that part of the highway between the California State line and the Ashland interchange.

(i) The portion of highway number 372, commonly known as Century Drive, that is between mileposts 9 and 21.62 on that part of the highway from nine miles westerly of Bend to the Mt. Bachelor Ski Area.

(j) The portion of Baker County Road 1146, commonly known as the Anthony Lake Highway, that is between milepost 2.61 at the North Powder River bridge 12.2 miles northwesterly of Haines and the Anthony Lake Ski Area.

(k) The portion of Jackson County Road 1151, commonly known as the Mt. Ashland Road, that is between mileposts 0 and 8.90 on that part of the road between its intersection with the Siskiyou Summit Frontage Road and the Mt. Ashland Ski Area.

(L) The portion of highway number 270, route number ORE 140, commonly known as the Lake of the Woods Highway, that is between mileposts 21 and 45 on that part of the highway between Medford and Klamath Falls.

(m) The portion of highway number 6, route number I-84, commonly known as The Old Oregon Trail Highway, that is between mileposts 215 and 258 on that part of the highway between Pendleton and La Grande.

(n) The portion of highway number 6, route number I-84, commonly known as The Old Oregon Trail Highway, that is between mileposts 268 and 279 on that part of the highway between La Grande and Baker.

(o) The portion of highway number 21, route number ORE 66, commonly known as the Green Springs Highway, that is between mileposts 9 and 41 on that part of the highway between Ashland and Keno.

(4) The commission shall adopt rules necessary to carry out this section. The rules adopted by the commission:

(a) Shall establish the various types of conditions under which vehicle traction tires or traction devices must be used.

(b) Shall define types of vehicle traction tires or traction devices that may be used under the various conditions established under this section requiring vehicle traction tires or traction devices defined by the commission under this section. The commission rules under this paragraph shall comply with the following:

(A) Traction tire shall be defined to include any tire that provides more traction than a conventional tire under adverse weather conditions and that allows a vehicle to traverse areas posted under this section.

(B) Traction device shall be defined to include any device that attaches to the tire, wheel or vehicle and that augments the traction of a vehicle when used under conditions posted under this section.

(C) Tires with studs that are permitted under ORS 483.518 shall be allowed as traction devices under the rules.

(c) Shall establish signs to be posted under conditions that require vehicle traction tires

or traction devices and the vehicle traction tires or traction devices that may be used to comply with each type of sign posted. The rules described under this paragraph shall provide for only the following types of conditions to be posted and shall require the described types of vehicle traction tires or traction devices to be used when appropriately posted:

(A) Snow zones where vehicle traction tires or vehicle traction devices are recommended and must be carried but are not required to be used.

(B) Snow zones where either traction tires or traction devices must be used on the vehicle.

(C) Snow zones where traction devices that are attached to the vehicle, wheels or tires of a vehicle must be used on the vehicle. When conditions are posted to require traction devices described under this subparagraph, vehicle traction tires do not comply with the requirements to use vehicle traction devices under this section. Snow zones that establish requirements described in this subparagraph shall not be established except in locations described in paragraphs (a), (i), (j) and (k) of subsection (3) of this section.

(d) May establish types or classes of vehicles that are exempt from requirements to use vehicle traction tires or traction devices under certain conditions if the commission determines that the operation of the class or type of vehicle would be safe under those conditions.

(5) The State Highway Engineer, for highways described in this section that are under the jurisdiction of the state, and a county governing body or its designee for highways described in this section that are under the jurisdiction of that county, shall:

(a) Determine when conditions on a segment of highway require the use of vehicle traction tires or traction devices defined by the commission;

(b) Determine which segments of a highway shall be posted as described under this section to require vehicle traction tires or traction devices; and

(c) Provide for the placement and removal of signs requiring the use of vehicle traction tires or traction devices.

(6) A court shall not find a person to be in violation of the offense described under this section if the court determines that the conditions on the highway at the time the person

was cited did not require posting under rules adopted under this section. The defense under this subsection may be affirmatively asserted by any person cited for violation of the offense described in this section.

(7) The offense described in this section, failure to use vehicle traction tires or traction devices, is a Class D traffic infraction. [1981 c 453 §2]

483.448 [Amended by 1975 c 451 §255, repealed by 1977 c 273 §1 (483 449 enacted in lieu of 483 448)]

(Exhaust System)

483.449 Exhaust system required; noise emission standards. (1) No person shall operate a motor vehicle on any public road, street or highway of this state unless it is equipped with an exhaust system that:

(a) Is in good working order;

(b) Is in constant operation; and

(c) Meets noise emission standards determined by the Department of Environmental Quality to be substantially equivalent to the following standards based upon a stationary test conducted at a distance of 25 feet in accordance with procedures established by the Department of Environmental Quality:

Vehicle type	Maximum level, dBA	Model, Year
Vehicles licensed under ORS 481.205 (2)(a)	94 91	before 1976 1976 and after
Vehicles licensed under ORS 481.205 (3)(a) to (c)	94 91	before 1976 1976
Vehicles licensed under ORS 481.210 (1)(b)	89 92 88	after 1976 before 1976 1976 and after

(2) No person shall operate upon any public road, street or highway, any motor vehicle so as to cause any greater noise or sound than is reasonably necessary for the proper operation of such motor vehicle.

(3) The court in its discretion may dismiss the citation issued under subsection (1) of this section if evidence is presented that the exhaust system complies with or has been repaired or modified to comply with subsection (1) of this section.

(4) A person who violates this section commits a Class B traffic infraction. [1977 c 273 §2 (enacted in lieu of 483 448)]

(Rearview Mirror)

483.450 Rearview mirror. (1) Every motor vehicle shall be so equipped with a mirror or other device as to enable the driver thereof to have such a clear and unobstructed view of the rear at all times and under all conditions of load as will enable him to see any other vehicle approaching from not less than 200 feet in the rear on an unobstructed road.

(2) A person who violates this section commits a Class C traffic infraction. [Amended by 1975 c 451 §256]

(Windows, Windshield)

483.452 Obstruction of windows prohibited; windshield wiper required. (1) (a) No person shall drive any vehicle upon a highway with any sign, poster, one-way glass, adhesive film, glaze application or other material upon the front windshield, side-wings, side windows on either side forward of or adjacent to the operator's seat or rear windows if the material prohibits or impairs the ability to see into or out of the motor vehicle.

(b) Nothing in this section prohibits safety glazing materials of a type approved under ORS 483.466.

(2) Every windshield on a motor vehicle shall be equipped with a device for cleaning rain or other moisture from the windshield, which device shall be so constructed as to be controlled or operated by the driver of the vehicle.

(3) A person who violates this section commits a Class C traffic infraction. [Amended by 1975 c 451 §257, 1979 c 709 §1]

(End Load Signal)

483.454 Light or flag at end of load.

(1) Whenever the load upon any vehicle extends to the rear four feet or more beyond the bed or body of such vehicle, there shall be displayed at the extreme rear end of the load, at the times specified in ORS 483.402 (1), a lighted red light or lantern plainly visible from a distance of at least 500 feet to the sides and rear. The red light or lantern required under this section is in addition to the red rear light required upon every vehicle. At any other time there shall be displayed at the extreme rear end of the load a red flag or cloth not less than 12 inches square.

(2) A person who violates this section commits a Class C traffic infraction. [Amended by 1975 c 451 §258]

483.455 [1961 c 275 §3; repealed by 1963 c 32 §3]

(Flares)

483.456 Flares and similar warnings for trucks and busses. (1) No person shall operate any passenger transport vehicle as defined in ORS 487.430, motor truck, motor bus or truck trailer upon a highway outside of a business or residence district at any time from a half hour after sunset to a half hour before sunrise unless there is carried in such vehicle a sufficient number of flares, electric lanterns or other signals, capable of continuously producing three warning lights, each visible from a distance of at least 500 feet, for a period of at least 12 hours. However, a motor vehicle transporting flammables shall carry red electric lanterns in place of the other signals above mentioned, and a motor vehicle transporting explosives as cargo shall carry flares, electric lanterns or other signals otherwise conforming to this subsection and capable of producing a red light.

(2) Whenever any passenger transport vehicle as defined in ORS 487.430, motor truck, motor bus or truck trailer is disabled during the period when lighted lamps must be displayed on vehicles and such vehicle cannot immediately be removed from the main-traveled portion of a highway outside of a business or residence district, the driver or other person in charge of the vehicle shall cause such flares, lanterns or other signals to be lighted and placed upon the highway where they are clearly visible to the drivers of approaching vehicles for a distance of 500 feet, one at a distance of not less than 100 feet or more than 300 feet in advance of such vehicle, one at a distance of not less than 100 feet or more than 300 feet to the rear of the vehicle, and the third upon the roadway side of vehicle. However, every such vehicle transporting inflammable liquid in bulk, whether loaded or empty, and every such vehicle transporting compressed inflammable gases, shall place three red electric lanterns in lieu of such other signals, and no open burning flare shall be placed adjacent to any such vehicle.

(3) During such time as lights are not required red flags not less than 12 inches square shall be used in place of flares or electric lanterns, except that no flag shall be

required to be placed at the side of the vehicle. However, if such disablement continues into the period when lights are required, flares or red electric lanterns shall be placed as above set forth.

(4) In lieu of the lanterns or other signals required by this section, red emergency reflectors may be used if they are of a type approved by the Motor Vehicles Division and meet the minimum requirements of the Interstate Commerce Commission.

(5) A person who violates any provision of this section commits a Class B traffic infraction. [Amended by 1969 c 278 §1, 1975 c 451 §259]

(Slow-moving Emblem)

483.457 Slow-moving vehicle emblem; division regulation of design, mounting.

(1) No person shall operate on a highway a vehicle or combination of vehicles designed for customary use at speeds of less than 25 miles per hour unless there is displayed on the rear of the power unit a reflectorized or fluorescent slow-moving vehicle emblem of a standard type designed and mounted as required by rules of the division. Such rules shall conform to the nationally accepted standards for slow-moving vehicle emblems. The requirement of such emblem is in addition to any lighting device required by law.

(2) No disabled person shall operate a motor vehicle described in ORS 481.075 (2)(h) unless there is displayed on the rear of the vehicle a reflectorized or fluorescent slow-moving vehicle emblem of a standard type designed and mounted as required by rules of the division.

(3) Notwithstanding ORS 483.399, this section applies to implements of husbandry, road machinery, road rollers or farm tractors or combinations thereof designed for use at speeds less than 25 miles per hour, except when such vehicles are engaged in actual construction or maintenance work and guarded by a flagman or by clearly visible warning signs.

(4) Whenever a combination of vehicles is being operated in such a manner as to obscure the emblem mounted on the power unit, an additional emblem shall be displayed on the rear of the rearmost vehicle in such combination.

(5) No person shall use a slow-moving vehicle emblem except in conformity with this section.

(6) A person who violates any provision of this section commits a Class D traffic infraction. [1967 c 414 §2, 1969 c 32 §1, 1975 c 451 §260, 1977 c 885 §5, 1981 c 22 §3]

(Fenders)

483.458 Fenders, flaps, covers or splash aprons required for certain vehicles. (1) No person shall operate or move and no owner shall permit to be operated or moved any vehicle described in this section upon or over any public highway unless the vehicle is equipped with fenders, covers, flaps or splash aprons that meet the following requirements:

(a) Every motor truck equipped with a body and every motor bus, bus trailer, semi-trailer, truck trailer, trailer, balance trailer or utility trailer shall have the rear wheels equipped with fenders, covers, flaps or splash aprons that extend in full width from a point on the wheels that is above and forward of the center of the tires over to a point at the rear of the wheels that is not more than 10 inches above the surface of the highway when the vehicle is empty.

(b) Every motor truck not equipped with a body and every pole trailer shall have the rear wheels equipped with fenders, covers, flaps or splash aprons that extend downward in full width from a point behind the wheels that is not lower than halfway between the center of the wheels and the top of the tires to a point at the rear of the wheels that is not more than 10 inches above the surface of the highway when the vehicle is empty.

(c) Every motor vehicle not otherwise described in this section shall have all wheels equipped with fenders, covers, flaps or splash aprons that extend in full width from a point on the wheels that is above and forward of the center of the tire over to a point at the rear of the wheel that is not more than 20 inches above the surface of the highway.

(2) Subsection (1) of this section does not apply to a motor truck chassis that is not equipped for hauling a load.

(3) If a person cited for violation of this section submits evidence satisfactory to the court that the fenders, covers, flaps or splash aprons on the vehicle the person operated or permitted to be operated or moved in violation of this section have been repaired or replaced to comply with the requirements of this section, the court shall dismiss the charge for

violation of this section without penalty to the person.

(4) A person who violates any provision of this section commits a Class B traffic infraction. [Amended by 1975 c 451 §261, 1977 c 495 §1, 1979 c 872 §16]

483.460 Size and construction requirements for fenders and covers. (1) In the absence of applicable standards, fenders or covers, as used in ORS 483.458, shall be considered to be of sufficient size and construction if constructed as follows:

(a) When measured on the cross section of the tread of the wheel or on the combined cross sections of the treads of multiple wheels, such fender or cover extends at least to each side of the width of the tire or of the combined width of the multiple tires; and

(b) Such fender or cover is so constructed as to be capable at all times of arresting and deflecting such dirt, mud, water or other substance as may be picked up and carried by the wheels.

(2) A person who violates any provision of this section commits a Class B traffic infraction. [Amended by 1971 c 148 §1, 1979 c 872 §17]

483.461 Fenders not required on certain pre-1935 vehicles. Notwithstanding the provisions of ORS 483.458, fenders are not required on any modified American-made pre-1935 vehicle, or any identifiable vintage or replica thereof which is titled as a later assembled vehicle and which is used for show and pleasure use when such vehicle is used and driven only during fair weather on well-maintained hard-surfaced roads. [1973 c.412 §1]

(Speedometers)

483.462 Speedometers required on vehicles carrying passengers for hire. (1) Every motor vehicle used for carrying passengers for hire, when operated upon the highways or streets of this state, shall be equipped with a speedometer or other registering device capable of registering accurately the speed at which such vehicle is operated. However, a motor vehicle equipped with a governor or other regulating device to control its speed within the limits specified by law is not required to be so equipped.

(2) A person who violates this section commits a Class B traffic infraction. [Amended by 1975 c 451 §262]

(Safety Glazing)

483.464 "Safety glazing material" defined for ORS 483.464 to 483.468. As used in ORS 483.464 to 483.468, unless the context requires otherwise, "safety glazing material" means glazing material so constructed, treated or combined with other materials as to reduce substantially, in comparison to ordinary sheet or plate glass, the likelihood of injury to persons by broken or cracked glass or by objects from external sources. [1953 c.344 §1]

483.466 Approved safety glazing materials required in windows and windshields. (1) On and after January 1, 1954, no motor vehicle, manufactured after January 1, 1954, and registered in this state, shall be operated on the highways of this state unless the windshield and windows of such motor vehicle are equipped with safety glazing materials on the approved list of the Motor Vehicles Division.

(2) On and after January 1, 1954, no person shall make or procure the replacement of windows and windshields in a motor vehicle unless such replacement is made with a safety glazing material on the approved list of the division.

(3) A person who violates subsection (2) of this section commits a Class A misdemeanor. [1953 c.344 §2, 3; 1975 c.451 §263]

483.468 Approval of safety glazing materials. (1) The Motor Vehicles Division shall establish standards for safety glazing materials which standards shall conform to the standards approved by the American Standards Association in the American Standard Safety Code for Safety Glazing Materials of Motor Vehicles Operating on Land Highways. The Motor Vehicles Division shall publish a list of approved safety glazing materials.

(2) The manufacturer of any glazing material upon which approval for use in motor vehicles is desired shall submit to the Motor Vehicles Division a test report from the National Bureau of Standards if available, or if not, any other nationally recognized testing laboratories as authorized by the division. If the Motor Vehicles Division finds that the glazing material so tested conforms with the standards of this state the division shall place such material on the approved list. [1953 c.344 §4; 1957 c.361 §1]

(Television)

483.470 Limitations on use of television viewers in motor vehicles. (1) No person shall drive any motor vehicle equipped with any television viewer, screen or other means of visually receiving a television broadcast, which is located in the motor vehicle at any point forward of the back of the driver's seat, or which is visible to the driver while operating the motor vehicle.

(2) A person who violates this section commits a Class B traffic infraction. [1953 c.151 §1; 1975 c.451 §264]

(Log Binders)

483.472 Binders on log loads. (1) When a load of five or more logs is transported by vehicle on a public highway, the owner or operator of the vehicle transporting the logs shall cause the logs to be secured as follows:

(a) If the logs are 26 feet or more in length, by at least four evenly spaced binders around the load, one of which may be used as a "gut wrapper."

(b) If the logs are less than 26 feet in length, by at least two binders around the load.

(c) Additional binders shall be used as necessary so that no log in a load has an unsecured end.

(2) The binders referred to in this section shall have a breaking strength of not less than 15,000 pounds.

(3) This section is intended to establish minimum standards for the transportation of logs on public highways. This section is not intended to reduce the number of binders required by any order or rule made pursuant to its statutory authority by any state agency, nor to prevent a state agency, acting within its regulatory authority, from adopting by rule more stringent standards.

(4) This section shall be enforced by the Oregon State Police and by county and city police officers.

(5) A person who violates any provision of subsections (1) to (3) of this section commits a Class B traffic infraction. [1955 c.539 §2; 1973 c.711 §1; 1973 c.833 §46; 1974 s.s. c.36 §19; 1975 c.451 §265; 1977 c.466 §1]

(Minimum Clearance)

483.474 Minimum clearance from roadway for passenger motor vehicles. (1) No person shall operate upon a highway any passenger motor vehicle, any portion of which vehicle, other than the wheels, has less clearance from the surface of a level roadway than the clearance between the roadway and the lowest portion of any rim of any wheel in contact with the roadway.

(2) A person who violates this section commits a Class B traffic infraction. [1961 c 441 §2, 1975 c 451 §266]

(Safety Belts and Harnesses)

483.482 New passenger vehicles to be equipped with safety belts or harnesses; requirements for sale and installation of belts, harnesses and anchors; exceptions. (1) No person shall sell or offer for sale a new motor vehicle that is primarily designed for transportation of individuals and that has seating for one or more passengers side-by-side with the operator or chauffeur if the vehicle is not equipped, for the operator or chauffeur and for at least one such passenger, with safety belts or safety harnesses, or one of each, complying with minimum standards and specifications adopted by the division and installed in compliance with regulations adopted by the division

(2) No person shall sell or offer for sale, for use or installation on a vehicle that is primarily designed for transportation of individuals:

(a) Any safety belt, safety harness or anchor or other device to which safety belts or safety harnesses may be attached and secured, that does not meet the minimum standards and specifications adopted by the division.

(b) Any safety belt, safety harness or anchor or other device to which safety belts or safety harnesses may be attached and secured, unless the belt, harness or anchor or other device bears the trade-mark or serial number under which it is approved by the division under ORS 483.486, and unless the trade-mark or serial number is legible when the belt, harness or anchor or other device is used or installed on a vehicle.

(3) No person shall install any safety belt, safety harness or anchor or other device, to which safety belts or safety harnesses may be attached and secured, on a vehicle that is

primarily designed for transportation of individuals except in compliance with regulations adopted by the division.

(4) ORS 483.482 to 483.488 do not apply to motor busses as defined in ORS 483.014, nor to school busses as defined in ORS 483.022.

(5) A person who violates any provision of this section commits a Class B traffic infraction. [1963 c 315 §§2, 8, 1975 c 451 §267]

483.484 Division to establish minimum standards for installing safety belts and harnesses. (1) The division shall adopt and enforce regulations establishing minimum standards and specifications for the construction and installation of safety belts, safety harnesses and anchors or other devices to which safety belts or safety harnesses may be attached and secured.

(2) Regulations establishing minimum safety standards and specifications may conform to standards and specifications of the Society of Automotive Engineers which are current at the time the regulations are adopted. [1963 c 315 §3]

483.486 Application for approval by division of safety belts, harnesses and anchors; tests; letter of approval. (1) The division shall establish a procedure for accepting and processing applications for approval of safety belts, safety harnesses and anchors or other devices to which safety belts or safety harnesses may be attached and secured.

(2) Any person may apply to the division for approval of a safety belt, safety harness or anchor or other device to which safety belts or safety harnesses may be attached and secured, as suitable for sale or to be offered for sale in this state for use or installation on vehicles. The division may require a sample of a belt, harness or anchor or other device to be submitted for test. The division may accept reports of tests conducted by independent testing laboratories. Sample belts, harnesses or anchors or other devices and laboratory reports submitted by applicants become the property of the division.

(3) When an application for approval of a safety belt, safety harness or anchor or other device has been submitted, the division, within a reasonable time and in accordance with the minimum safety standards and specifications prescribed by regulation, shall approve or disapprove the belt, harness or anchor or other device as suitable for sale or to be of-

ferred for sale in this state for use or installation on vehicles.

(4) If the division approves a safety belt, safety harness or anchor or other device as suitable for sale or to be offered for sale in this state for use or installation on vehicles, it shall issue a letter of approval to the applicant. The letter shall indicate approval of the specific model of belt, harness or anchor or other device tested and shall identify the belt, harness or anchor or other device approved by the trade-mark or the type of identifying serial number which the belt, harness or anchor or other device to be sold or offered for sale will bear. [1963 c 315 §4]

483.488 Subsequent tests by division of approved safety belts, harnesses and anchors; cancellation of approval. (1) The division may purchase in the market, and test or submit to testing laboratories any safety belt, safety harness or anchor or other device which it has approved for sale or to be offered for sale.

(2) The division shall cancel its approval of a belt, harness or anchor or other device for sale or to be offered for sale if it determines that the belt, harness or anchor or other device does not satisfy the minimum standard provided by regulation.

(3) Cancellation of approval is effective as soon as the division notifies the person who applied for approval or his successor that the approval has been canceled. [1963 c 315 §5]

(National Safety Standards)

483.495 Adoption of national safety standards; exception. (1) The division shall, after it has considered vehicle safety standards adopted pursuant to the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C., Sec. 1381, et seq.), adopt and enforce regulations identical to such standards with respect to any vehicle or item of vehicle equipment applicable to the same aspect of performance of such vehicle or item of equipment. As used in this section, "vehicle safety standard" means a minimum standard for vehicle performance, or vehicle equipment performance which is practicable, which meets the need for vehicle safety and which provides objective criteria. A federal vehicle safety standard which conflicts with an equipment provision of this chapter and ORS chapter 487 applicable to the same aspect of performance shall supersede that specific provision of this

chapter and ORS chapter 487 with respect to vehicles in compliance with the federal vehicle safety standard that was in effect at the time of sale. The Motor Vehicles Division shall continue to carry out the approval of equipment for which there are no federal standards, as required in other sections of this chapter and ORS chapter 487, including, but not limited to, such approval of equipment on new vehicles first sold in Oregon. Notwithstanding any provisions of this chapter and ORS chapter 487 to the contrary, testing requirements for approval of equipment pursuant to this chapter and ORS chapter 487 shall be met by the manufacturer submitting a report from a laboratory approved by the division showing compliance with the current standards of the Society of Automotive Engineers, the United States of America Standards Institute or the United States Bureau of Standards.

(2) Whenever a federal vehicle safety standard is established under the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C., Sec. 1381, et seq.) and adopted as a regulation by the Motor Vehicles Division, no person shall use, sell or offer for sale a vehicle to which the standard is applicable, and no person shall use, sell or offer for sale for use upon a vehicle an item of equipment to which the standard is applicable, unless:

(a) Such vehicle or equipment conforms to the applicable federal standard adopted by the division.

(b) The vehicle or equipment bears thereon proof of certification by the manufacturer or distributor that it complies with the applicable federal standards adopted by the division. The proof of certification may be in the form of a symbol or designation prescribed in the federal standards or, if there is no federal symbol or designation, by a symbol or designation acceptable to the division.

(3) Nothing in subsections (1) and (2) of this section applies to head lamps.

(4) A person who violates subsection (2) of this section commits a Class B traffic infraction. [1969 c 300 §2, 1975 c 451 §268, 1977 c 233 §2, 1979 c 872 §18]

(Disposal Systems)

483.497 Definitions. As used in this section:

(1) "Public way" means every way or place of whatever nature open to the use of the

public, including but not limited to, roads, streets, alleys, lanes, trails, beaches, parks and recreational use areas owned or operated by the state, a county or local municipality for use by the general public.

(2) "Operate" means to have the use, possession or control of a recreational vehicle upon a public way.

(3) "Recreational vehicle" shall include all vehicles defined by ORS 446.003 and 446.005. [1971 c.447 §2]

483.499 Operation of recreational vehicle with unsealed disposal system prohibited. (1) No person shall operate a recreational vehicle which is equipped with a plumbing, sink or toilet fixture upon any public way while the disposal system is unsealed or uncapped unless said disposal system is being discharged into or connected with a sewage disposal system approved by the Health Division.

(2) A person who violates this section commits a Class B traffic infraction. [1971 c 447 §3, 1975 c.451 §269]

RESTRICTIONS ON USE OF HIGHWAYS; WEIGHTS AND SIZES OF VEHICLES

483.502 Application of size and weight provisions; fees; violators liable for damages. (1) "Granting authority," as used in ORS 483.502 to 483.536, means the Department of Transportation, a county court or board of county commissioners or a city council.

(2) No person shall drive or move and no owner shall cause or permit to be driven or moved on any highway, any vehicle or combination of vehicles of a size or weight exceeding the limitations set forth in ORS 483.502 to 483.536 and 487.905, or any vehicle or combination of vehicles which are not constructed or equipped as required in those sections, or under the rules of the granting authority adopted pursuant thereto.

(3) Any granting authority may charge a fee, determined by the granting authority, in excess of that prescribed in this subsection for a permit to move any building or structure on any highway, road or street under its jurisdiction. A fee of \$3 shall be paid to the granting authority for every permit issued pursuant to the provisions or under authority of ORS 483.502 to 483.536 and 487.905, except per-

mits issued to the Federal Government, agencies of the State of Oregon, counties or cities.

(4) The provisions of ORS 483.502 to 483.536 and 487.905 governing size and weight do not apply to any vehicle, combination of vehicles, article, machine or other equipment while being used by the Federal Government, the State of Oregon, or any county or incorporated city in the construction, maintenance or repair of public highways, and at the immediate location or site of such construction, maintenance or repair.

(5) The provisions of ORS 483.502 to 483.536 and 487.905 governing size and weight do not apply to vehicles while being used by mass transit districts for the purposes authorized under ORS 267.010 to 267.390, provided the size and weight of the vehicles is approved by the Department of Transportation or a local authority, with respect to a highway, road or street or a portion thereof under their respective jurisdictions.

(6) Any owner and driver or chauffeur of any vehicle or combination of vehicles using the highways, streets or bridges of this state in violation of ORS 483.502 to 483.536 and 487.905 shall be jointly and severally liable to the state, county or city (depending upon whether it is a state, county or city highway, street or bridge), for all damage done to the highway, street or bridge as a result of the violation.

(7) The operation of any vehicle or combination of vehicles in violation of ORS 483.502 to 483.528, 483.534, 483.545 or 487.905 is prima facie evidence that the owner of such vehicle or combination caused or permitted it to be so operated and the owner shall be liable for any penalties imposed in ORS 483.991 and 483.994 to 483.997 as a result of such operation. [Amended by 1953 c 691 §12, 1959 c 189 §1, 1973 c.290 §1, 1975 c 315 §1, 1975 c 329 §1, 1977 c.409 §1]

483.504 Restrictions on width, height and length of vehicles; exemptions. Except as authorized by the terms of permits issued or resolutions adopted under ORS 483.525 and 483.528:

(1) No vehicle, including any load thereon, shall exceed a total outside width of eight feet, except that:

(a) Pneumatic tires, flexible mud flaps, flexible fenders, safety accessories such as clearance lights, rub rails and binder chains, and appurtenances such as door handles, door hinges and turning signal brackets may ex-

ceed such width by a distance not greater than two inches on each side of the vehicle.

(b) Rearview mirrors may exceed such width by a distance not greater than five inches on each side of the vehicle.

(2) No passenger vehicle shall carry any load extending beyond the line of its left fenders, or extending more than six inches beyond the line of its right fenders.

(3) No vehicle, including any load thereon, shall exceed a height of 14 feet. This subsection does not relieve the owner or driver of any vehicle or combination of vehicles from the exercise of due care in determining that sufficient vertical clearance is provided upon the highways and streets where the vehicle or combination of vehicles is being operated.

(4) Except as otherwise provided in this section, vehicles shall comply with the following:

(a) No vehicle operating singly shall exceed a length of 40 feet.

(b) No vehicle in a combination of vehicles shall exceed a length of 35 feet.

(c) No combination of vehicles, including any load, shall exceed a total length of 50 feet.

(5) Notwithstanding subsection (4) of this section, public utilities, people's utilities districts and cooperative rural electrification districts or common or contract carriers when acting as agent for or on direct orders of such a utility or district, for the purpose of transporting and hauling poles, piling or structures used or to be used in connection with their business, may use and operate upon any highway of this state any combination of vehicles having an overall length including load the total length of which is not in excess of 75 feet unless an emergency exists.

(6) A resolution adopted under ORS 483.525 shall not authorize a truck tractor and semitrailer combination to exceed 65 feet in length or authorize any other combination of vehicles to exceed 75 feet in length.

(7) No load upon any vehicle operating singly or as a unit in a combination of vehicles shall exceed 40 feet in length, except:

(a) As authorized by subsection (5) of this section;

(b) Upon a semitrailer providing the load length does not:

(A) Exceed the semitrailer length by more than five feet;

(B) Extend forward of the rear of the cab of the towing vehicle; or

(C) Exceed an overall length permitted by a resolution adopted under ORS 483.525; or

(c) Upon a truck tractor and pole trailer if the overall length does not exceed that authorized by a resolution adopted under ORS 483.525.

(8) No vehicle or combination of vehicles shall carry any load extending more than four feet beyond the front.

(9) No portion of any single vehicle or any load thereon shall extend beyond the last axle of the vehicle for a distance greater than three-fourths the length of the wheelbase of the vehicle.

(10) The provisions of subsections (1) to (9) of this section shall not apply to implements of husbandry hauled, towed or moved upon any highway not a part of the Federal Interstate Highway System, if the movement is incidental to the farming operations of the owner of the implement of husbandry. With respect to implements of husbandry, the same shall be driven as closely as is practicable to the right-hand edge of the roadbed including the shoulders, if any. Notwithstanding the exemption of ORS 483.399, if the movement of the implement of husbandry occurs during the hours of darkness, two headlights, clearance lights and reflectors marking the overall width as far as practical, and visible from the front, rear, and sides, and a tail light are required.

(11) No portion of any combination of vehicles or any load thereon shall extend beyond the last axle of the combination of vehicles for a distance greater than one-third of the length of the wheelbase of the combination of vehicles; except that the rear overhang may extend more than one-third but not more than one-half of the length of the wheelbase of the combination in any combination of vehicles consisting of a motor vehicle towing:

(a) A mobile home or travel trailer as those terms are defined in ORS 481.021; or

(b) A trailer, balance trailer, semitrailer or pole trailer designed to carry a single non-motorized aircraft. [Amended by 1953 c.691 §12; 1955 c.272 §1, 1957 c.277 §1; 1957 c.621 §1; 1959 c.291 §1; 1963 c.205 §1; 1967 c.524 §1; 1973 c.217 §1, 1975 c.315 §2; 1977 c.409 §2; 1979 c.347 §1; 1979 c.496 §4; 1979 c.872 §19a]

483.506 Maximum axle, wheel and gross weights for vehicles. Except as authorized by the terms of permits issued pursuant to ORS 483.528:

(1) Subject to the maximum gross axle or tandem axle weights set forth in subsections (2) and (3) of this section, the gross weight of any axle or tandem axle of a vehicle shall not exceed 550 pounds per inch of total tire width of the wheels of the axle or tandem axles.

(2) Subject to the limitations of subsections (1) and (4) of this section, no vehicle or combination of vehicles shall have a gross weight exceeding:

(a) 10,000 pounds on any individual wheel.

(b) 20,000 pounds on any axle.

(c) 34,000 pounds on any tandem axles.

(3) Subject to the limitations of subsections (1) and (4) of this section, any vehicle with a single rear axle specially equipped with a self-compactor and used exclusively for garbage or refuse operations may when laden with garbage or refuse, have a gross weight upon a single axle of not more than 22,000 pounds. When unladen or when operating on any highway that is a part of the Federal Interstate Highway System such vehicles shall comply with the weight limitations set forth in subsection (2) of this section.

(4) The gross weight of any vehicle, group of axles or combination of vehicles shall not exceed the sums of the permissible axle, tandem axles or group of axles weights or the weights set forth in the following table of weights for the distance in feet between the first and last axles of the number of axles specified, whichever is less; except that two consecutive sets of tandem axles may have a gross weight of 34,000 pounds each, providing the distance between the first and last axles of the two sets of tandem axles is 30 feet or more, and a group of four axles consisting of a set of tandem axles and two axles spaced six feet or more apart may have a gross weight of 70,000 pounds, providing the distance between the first and last axle of the group is 35 feet or more:

9	39,000	42,500		
10	40,000	43,500		
11	40,000	44,000		
12	40,000	45,000	50,000	
13	40,000	45,500	50,500	
14	40,000	46,500	51,500	
15	40,000	47,000	52,000	
16	40,000	48,000	52,500	52,500
17	40,000	48,500	53,500	53,500
18	40,000	49,500	54,000	54,000
19	40,000	50,000	54,500	54,500
20	40,000	51,000	55,500	55,500
21	40,000	51,500	56,000	56,000
22	40,000	52,500	56,500	56,500
23	40,000	53,000	57,500	57,500
24	40,000	54,000	58,000	58,000
25	40,000	54,500	58,500	58,500
26	40,000	55,500	59,500	59,500
27	40,000	56,000	60,000	60,000
28	40,000	57,000	60,500	61,000
29	40,000	57,500	61,500	62,000
30	40,000	58,500	62,000	63,000
31	40,000	59,000	62,500	64,000
32	40,000	60,000	63,500	65,000
33	40,000	60,000	64,000	66,000
34	40,000	60,000	64,500	67,000
35	40,000	60,000	65,500	68,000
36	40,000	60,000	66,000	69,000
37	40,000	60,000	66,500	70,000
38	40,000	60,000	67,500	71,000
39	40,000	60,000	68,000	72,000
40	40,000	60,000	68,500	73,000
41	40,000	60,000	69,500	73,500
42	40,000	60,000	70,000	74,000
43	40,000	60,000	70,500	75,000
44	40,000	60,000	71,500	75,500
45	40,000	60,000	72,000	76,000
46	40,000	60,000	72,500	76,500
47	40,000	60,000	73,500	77,500
48	40,000	60,000	74,000	78,000
49	40,000	60,000	74,500	78,500
50	40,000	60,000	75,500	79,000
51	40,000	60,000	76,000	80,000
52	40,000	60,000	76,500	80,000
53	40,000	60,000	77,500	80,000
54	40,000	60,000	78,000	80,000
55	40,000	60,000	78,500	80,000
56	40,000	60,000	79,500	80,000
57 or over	40,000	60,000	80,000	80,000

(5) The distance between axles shall be measured to the nearest foot. When a fractional measurement is exactly one-half foot the next larger whole number shall be used.

[Amended by 1953 c 691 §12, 1959 c 199 §1, last sentence of subsection (4) enacted as 1959 c 199 §2, 1967 c.474 §1, 1969 c 439 §1, 1973 c.257 §1, 1975 c 315 §3, 1977 c 409 §3; 1981 c 315 §1]

483.508 Restrictions on number of vehicles in a combination; coupling devices. (1) No combination of vehicles coupled together shall consist of more than two vehicles, except:

(a) As authorized by permits issued pursuant to ORS 483.528.

Distance in feet	Maximum gross weight in pounds on			
	2 Axles	3 Axles	4 Axles	5 or More Axles
4	34,000			
5	34,000			
6	34,000			
7	34,000			
8	34,000	42,000		

(b) In drive-away operations three unladen vehicles may be coupled together by a double saddle-mount method or by a single saddle-mount and tow bar method or four unladen vehicles by a triple saddle-mount method.

(c) A combination of three implements of husbandry or two implements of husbandry drawn by another vehicle.

(d) A truck tractor and semitrailer drawing one trailer or a truck tractor and semitrailer drawing one additional semitrailer mounted on a dolly equipped with a fifth wheel.

(e) A truck tractor and semitrailer drawing a dolly or a utility trailer.

(2) When one vehicle is towing another, the tow bar, coupling device and other connections shall be of sufficient strength to hold the weight of the towed vehicle upon any grade of any highway where operated, and unless the towed vehicle is temporarily disabled, such connections shall be properly mounted without excessive slack but with sufficient play to allow for universal action of the connections and provided with a suitable locking means to prevent accidental separation of the towed and towing vehicles.

(3) When any vehicle is towing another vehicle and the connection between the vehicles is a chain, rope, cable or any flexible material, a red flag or cloth not less than 12 inches square shall be displayed upon the connection.

(4) No person shall operate a combination of vehicles when any trailer, semitrailer, pole trailer or other vehicle being towed whips or swerves from side to side dangerously or unreasonably, or fails to follow substantially in the path of the towing vehicle.

(5) Except as provided in subsection (6) of this section, any towed vehicle in a combination of vehicles shall be equipped with one or more safety chains or cables:

(a) So connected to the towed and towing vehicle and to the tow bar as to prevent the tow bar from dropping to the ground in the event the tow bar or coupling device fails.

(b) Having a tensile strength equivalent to the gross weight of the towed vehicle and a means of attachment to the towed and towing vehicle of sufficient strength to control the towed vehicle in event the tow bar or coupling device fails.

(c) Attached with no more slack than shall be necessary to permit proper turning.

(6) Subsection (5) of this section does not apply to the following vehicles:

(a) A temporarily disabled vehicle that is being towed by another vehicle.

(b) A dolly without a tow bar.

(c) A semitrailer coupled to a towing vehicle with a fifth wheel and kingpin assembly or any ball and socket type assembly that is positioned above and forward of the rear axle of the towing vehicle while being used. To qualify for the exemption under this paragraph, the assembly must be designed so that the upper and lower halves of the assembly may not be separated without being manually released.

(7) Any coupling device on any towing vehicle used as a connection for the tow bar on any towed vehicle having a gross weight in excess of 5,000 pounds shall be firmly attached to the frame or to a solid connection to the frame and not only to the bumper of the towing vehicle.

(8) The Workers' Compensation Board is authorized to determine the adequacy of any coupling device on any vehicle having a gross weight over 10,000 pounds.

(9) The Motor Vehicles Division shall adopt minimum standards for vehicle connecting devices for any vehicle with a gross weight of not more than 10,000 pounds. These standards shall conform to the current standards of the Society of Automotive Engineers or other widely accepted standards that are applicable.

(10) A person who violates any provision, except a weight provision, of this section commits a Class B traffic infraction. [Amended by 1953 c 691 §12; 1957 c 621 §2, 1965 c 156 §1; subsection (9) enacted as 1965 c 398 §12, 1967 c 192 §1, 1967 c 524 §4, 1969 c 170 §1, 1977 c 409 §4; 1977 c 882 §16a; 1979 c 872 §20, 1981 c 507 §1]

483.510 Sifting or leaking loads; permit for food processing by-products. (1) Except as provided in subsection (2) of this section, no vehicle shall be driven or moved on any highway unless it is so constructed or loaded as to prevent its contents from dropping, sifting, leaking or otherwise escaping therefrom.

(2) Upon receipt of an application, the Department of Transportation, county court, or board of county commissioners, or the city council shall grant a written permit for the

operation over highways or streets under their respective jurisdictions of vehicles transporting food processing plant by-products to be used for livestock feed or fertilizer from which there is fluid leakage. Such permits shall be issued for a maximum period of one year and shall be revocable if it is found by the granting authority that the amount or character of the fluid leakage is such that it constitutes a danger to other vehicles.

(3) A person who violates this section commits a Class B traffic infraction. [Amended by 1969 c.397 §1; 1973 c.278 §1; 1975 c.80 §1; 1977 c.393 §1; 1977 c.882 §17; 1981 c.800 §1]

483.512 Sleds prohibited except with permit. No person shall move any sled or other device that does not move exclusively on revolving wheels or rotating tracks in contact with the surface of the highway, having a gross weight, including load, in excess of 500 pounds, upon any highway without first obtaining permission for the movement as provided in ORS 483.528.

(2) A person who violates this section commits a Class B traffic infraction. [Amended by 1977 c. 882 §18]

483.514 Dragging object on highway prohibited. (1) No logs, poles, piling or other thing shall be dragged upon or over the surface of any highway without the written permission of the Department of Transportation, if a state highway, the county court or board of county commissioners, if a county highway, or the city council, if a city street over which no state highway is routed pursuant to ORS 373.010.

(2) A person who violates this section commits a Class B traffic infraction. [Amended by 1977 c.882 §19]

483.516 Pneumatic tires, when required. No vehicle shall be operated on any highway unless equipped with pneumatic tires, except:

(1) Any implement of husbandry equipped with solid tires, or metal tires not prohibited in ORS 483.518, and having a gross vehicle weight not in excess of 7,000 pounds and a gross axle weight not in excess of 3,500 pounds.

(2) That other vehicles equipped with solid tires may only be operated under the authority of permits issued pursuant to the provisions of ORS 483.528. [Amended by 1977 c.409 §5]

483.518 Metal objects on tires permitted; conditions. (1) Any vehicle equipped with any tire having on its periphery any block, stud, cleat, bead, chain or other protuberance of metal or other inflexible material that projects beyond the tread or traction surface of the tire shall not be operated upon any highway, except:

(a) Vehicles actually engaged at the time in construction or repair of highways in this state.

(b) Traction engines moved upon dirt or unimproved roads.

(c) Vehicles equipped with skid chains of reasonable proportions required for safe operation because of snow, ice or other inclement weather conditions.

(d) Between November 1 of any year and April 30 of the following year, vehicles equipped with any tire having on its periphery studs of metal or other material extending beyond the tread surface of the tire not less than four-hundredths (.04) inch nor more than six-hundredths (.06) inch and made of such material that the studs will wear, through use, at the same rate as the tread surface of the tire. When the preservation of the highway surface or the safety of the traveling public so indicates, the Department of Transportation shall have the authority to shorten or lengthen the period for the permissible use of such tires in any area of the state specifically designated by the department.

(e) School busses as defined in ORS 483.022.

(f) Authorized emergency vehicles as defined by ORS 487.005 (7).

(2) Notwithstanding the provisions of subsection (1) of this section, the owner or lessee of any land adjoining any highway may without permit move across or along the highway any tractor or implement of husbandry for the purpose of planting, cultivating, caring for or harvesting any crop, on condition that he shall be liable to the State of Oregon for the benefit of the State Highway Fund with respect to state highways, or to the proper county for the benefit of the county road fund with respect to county highways, for any damage or injury done to the highway by the movement.

(3) A person who violates this section commits a Class B traffic infraction. [Amended by 1967 c.149 §1; 1971 c.466 §1; 1973 c.123 §1; 1977 c.882 §20; 1979 c.872 §21]

483.520 [Amended by 1953 c 691 §12; 1959 c 292 §1, 1963 c 205 §2, 1965 c 68 §4, 1967 c 219 §1, 1967 c 524 §2, 1973 c 257 §2, repealed by 1977 c 409 §20]

483.522 [Repealed by 1977 c 409 §20]

483.524 [Amended by 1953 c 691 §12, 1959 c 214 §1, 1961 c 512 §1, 1963 c 141 §1, 1967 c 524 §3; repealed by 1977 c 409 §20]

483.525 Authority to permit operation of vehicles of excess weight or length over certain highways. (1) When in the judgment of the granting authority any highway, road or street or section thereof under the jurisdiction of the granting authority is capable of carrying any vehicle or combination of vehicles having a gross weight in excess of that authorized in ORS 483.506 (4), or a length in excess of that authorized under ORS 483.504, the granting authority may by resolution so declare, and fix the maximum gross weight, length and types and classes of vehicles or combinations of vehicles which may be operated thereon. This section does not allow granting authorities to authorize vehicles or combinations of vehicles engaged in hauling other motor vehicles to be operated on any highway, road or street or section thereof if the vehicle has a height in excess of that allowed under ORS 483.504. In fixing such maximum gross weights and lengths the granting authority shall be governed by the provisions of ORS 483.545.

(2) The provisions of any resolution adopted under this section may by resolution be changed or rescinded at any time, and shall be subject to any order made under ORS 487.905.

(3) (a) After a resolution is adopted and filed as provided in paragraph (b) of this subsection, no permit shall be required for the operation upon such highway, road or street or section thereof of a vehicle or combination of vehicles not exceeding the maximum gross weight and length fixed by the resolution for vehicles or combinations of vehicles of that type and class.

(b) A duplicate original of a resolution adopted under this section, and an amendment to or revocation of such a resolution, shall be filed with the Secretary of State.

[1953 c 691 §12, 1961 c 51 §1; 1965 c 68 §1, 1967 c.219 §2, 1973 c 257 §3, 1977 c 409 §6, 1979 c 347 §2]

483.526 [Repealed by 1973 c 249 §91]

483.527 Permit for operation of certain noncomplying vehicles. Notwithstanding the limitation created by ORS 483.528 (4)(d), a granting authority may

issue a permit under ORS 483.528:

(1) For any single vehicle engaged in the transportation of peeler bolts, blocks, cores, railroad ties, logs or poles loaded crosswise of the vehicle, having an overall width of load thereon not in excess of eight and one-half feet.

(2) For combinations of vehicles consisting of not more than a motor truck and two trailers or a truck tractor and semitrailer drawing two trailers or semitrailers mounted on dollies equipped with fifth wheels having an overall length not in excess of 105 feet. The trailers or semitrailers must be reasonably uniform in length.

(3) For vehicles or combinations of vehicles having a length in excess of that authorized in ORS 483.504 or 483.525.

(4) For any vehicle or combination of vehicles first placed in operation prior to January 1, 1978, and having weights in excess of that authorized in ORS 483.506 (4) or for any self-loading log truck. In the granting of permits to vehicles described in this subsection, a granting authority shall observe and be governed by the following maximum gross weights:

(a) The gross weight of any individual wheel, axle, or tandem axles of any vehicle or combination of vehicles shall not exceed the maximum gross wheel, axle and tandem axle weights set forth in ORS 483.506.

(b) The gross weight of any group of axles of any vehicle or combination of vehicles, when the distance between the first and last axles of any group of axles is 18 feet or less, and the gross weight of any vehicle when the distance between the first and last axles of all of the axles of the vehicle is 18 feet or less, shall not exceed that set forth in the following table of weights, or the sum of the permissible axle or tandem axle weights, whichever is less:

Distance in feet between the first and last axles of any group of axles of any vehicle or combination of vehicles, or between the first and last axles of all the axles of any vehicle	Maximum gross weight, in pounds, of any group of axles of any vehicle or combination of vehicles, or of any vehicle
6	34,000
7	34,000
8	34,000
9	39,000
10	40,000
11	40,000
12	40,000

13	40,000
14	43,200
15	44,000
16	44,800
17	45,600
18	50,000

(c) The gross weight of any vehicle or combination of vehicles, where the distance between the first and last axles of the vehicle or combination of vehicles is more than 18 feet, shall not exceed that set forth in the following table of weights, or the sum of the permissible axle, tandem axle or group of axles weights, whichever is less:

Distance in feet between the first and last axles of all the axles of a vehicle or combination of vehicles	Maximum gross weight, in pounds, of any vehicle or combination of vehicles.	
		5 axles or more
19	50,000	
20	50,000	
21	50,000	
22	50,000	
23	50,400	
24	51,200	
25	55,250	
26	56,100	
27	56,950	
28	57,800	
29	58,650	
30	59,500	
31	60,350	
32	61,200	
33	62,050	
34	62,900	
35	63,750	
36	64,600	
37	65,450	
38	66,300	
39	68,000	
40	70,000	73,000
41	72,000	73,500
42	73,280	74,500
43	73,280	75,000
44	73,280	75,500
45	73,280	76,000
46	73,280	77,000
47	73,280	77,500
48	73,280	78,000
49	73,280	78,500
50	73,280	79,500
51	73,280	80,000
52	73,600	80,000
53	74,400	80,000
54	75,200	80,000
55 or over	76,000	80,000

(5) For any vehicle, combination of vehicles, load, article, property, machine or thing that:

- (a) Is used in the construction, maintenance or repair of public highways; and
- (b) Does not qualify for an exemption under ORS 483.502 (4).

(6) Combinations of vehicles having a combined gross weight in excess of that authorized under ORS 483.506 (4). [1979 c 281 §3]

483.528 Permit for operation of non-complying vehicle generally; conditions for issuance; cancellation of permit. (1) If it determines the public interests will be served, a granting authority may issue a permit allowing any vehicle, combination of vehicles, load, article, property, machine or thing having a gross weight, size or description not permitted under ORS 483.502 to 483.525 to move over any highway or street under its jurisdiction.

(2) In issuing a permit under this section, the granting authority may:

- (a) Grant a permit that is valid for a single trip, a number of trips or continuous operation.
- (b) Establish seasonal or other time limitations on a permit.
- (c) Establish any additional terms, limits or conditions on a permit that are necessary or desirable for the protection of the highways and streets and the public interest.

(d) Require the applicant to furnish public liability and property damage insurance in an amount fixed by the granting authority.

(e) Require the applicant to furnish indemnity insurance or an indemnity bond, in an amount fixed by the granting authority, to:

- (A) Indemnify the granting authority for any damage to the highways or streets that may be caused under the permit; and
- (B) Indemnify the members, officers, employes and agents of the granting authority from any claim that might arise out of the granting of the permit and the use of the highways under the permit.

(f) Require a demonstration by the applicant to establish that operation under a permit would:

- (A) Stay on the right side of the center line of the traveled way at all times; and
- (B) Allow sufficient room in the opposing traffic lane for the safe movement of other vehicles.

(3) A permit issued under this section shall be in writing and shall specify:

- (a) All highways or streets over which the permit is valid.

(b) Any vehicle, combination of vehicles, load, article, property, machine or thing allowed under the permit.

(c) Maximum dimensions and maximum gross weights allowed under the permit.

(4) A granting authority shall not issue a permit under this section:

(a) That is valid for longer than one year.

(b) Until any insurance or bond required under this section is filed with and accepted by the granting authority.

(c) Until the granting authority has investigated any representations made in the application for the permit.

(d) Except as provided by ORS 483.527, for vehicles or loads that can be readily or reasonably dismantled or disassembled to reduce weight or width.

(5) An application for a permit issued under this section shall be in writing and shall specify:

(a) The vehicle, combination of vehicles, load, article, property, machine or thing for which the permit is requested;

(b) The particular highways and streets for which the permit is sought; and

(c) Whether the permit is sought for a single trip, number of trips or continuous operation.

(6) This section does not authorize:

(a) Except as specified in a permit issued under this section, any vehicle, combination of vehicles, load, article, property, machine or thing for which the permit is issued to be operated or moved contrary to the provisions of ORS 483.502 to 483.525.

(b) Any vehicle, combination of vehicles, load, article, property, machine or thing to be operated or moved under the provisions of this section until a permit is issued.

(7) The granting authority may appoint any of its officers, employes or agents to be present at and during the movement. The presence of any person so appointed and any interference or suggestion made by that person shall not be considered supervision of the movement and shall not relieve the permit holder, or the permit holder's insurers or sureties, from liability for any damage done by the movement. If, in the opinion of the person appointed to be present at and during the movement, any of the terms and conditions of the permit are not being complied

with, that person may order the movement to be stopped.

(8) A person violates a permit issued under this section and is subject to the penalties under ORS 483.994 if the person misrepresents any size or weight required to be specified when applying for a permit under this section.

(9) Any permit issued under this section may be canceled at any time by the granting authority upon proof satisfactory to it that:

(a) The permit holder has violated any of the terms of the permit;

(b) The permit was obtained through misrepresentation in the application therefor; or

(c) The public interest requires cancellation.

(10) If any of the provisions of this section are found to contravene section 127 of title 23, United States Code, it shall not serve to render inoperative any of the remaining provisions of this section that may be held not to be in conflict with section 127 of title 23, United States Code. [Amended by 1953 c 691 §12, 1957 c.10 §1; 1961 c 295 §1; subsection (8) enacted as 1961 c 295 §2, 1965 c.334 §1, 1977 c.409 §7, 1979 c.281 §1]

483.530 Having permit in possession.

(1) The driver or chauffeur of any vehicle or combination of vehicles for which a permit or permit identification card has been issued pursuant to the provisions of ORS 483.528 authorizing any gross weight in excess of that permitted under the provisions of ORS 483.506 to 483.525, or of a size or description in excess of that permitted under the provisions of ORS 483.504 to 483.525, shall have the permit or permit identification card in the driver's or chauffeur's immediate possession at all times when driving the vehicle or combination of vehicles upon a public highway, road or street, and shall display the same upon demand of any police officer, department or county weighmaster, judicial officer, or the Director of Permits of the department.

(2) It shall be a defense to any charge of a violation of any provisions of ORS 483.502 to 483.528 if the person so charged produces a permit authorizing the operation of the vehicle or combination of vehicles issued prior to and valid at the time of the offense. However, the producing of such permit shall not be a defense for a charge under subsection (1) of this section. [Amended by 1953 c.691 §12; 1965 c.68 §2, 1973 c 257 §4; 1977 c.409 §8; 1981 c 818 §10]

483.532 [Amended by 1953 c 691 §12, 1971 c 273 §1, 1975 c 451 §268a, 1975 c 698 §1, renumbered 487.905]

483.533 Authority to permit otherwise prohibited vehicles to use highways. Notwithstanding ORS 483.528 and 483.530:

(1) A granting authority may establish a program for the issuance of permits to allow any vehicle, combination of vehicles, load, article, property, machine or thing having a gross weight, size or description not permitted under ORS 483.502 to 483.525 to move over any highway or street under the jurisdiction of the granting authority. Any program established under this section shall be established by rule or resolution, as appropriate.

(2) A granting authority may include in a program established under this section:

(a) Provisions and requirements that differ from provisions and requirements under ORS 483.528 or 483.530; and

(b) Any provisions or requirements the granting authority determines may simplify or expedite the process of issuing permits for movement described in subsection (1) of this section.

(3) Any person or vehicle issued a permit under a program established under this section is not in violation of ORS 483.528 or 483.530 if the person or vehicle complies with the conditions of the permit and the program.

(4) Violation of any requirement or provision of a program established under this section or of a permit issued under a program is subject to those penalties applicable to violations of similar provisions under ORS 483.528 and 483.530. [1979 c 664 §2, 1981 c.116 §1]

483.534 Enforcement of weight, size, load, conformation or equipment regulations; detention of vehicle until its load complies with statutes or permit; tolerances.

(1) Any police officer or any duly authorized weighmaster may stop, measure and weigh any vehicle or combination of vehicles by means of either portable or stationary measures and scales, and having reason to believe that any vehicle or combination of vehicles, including any load thereon, is unlawful, or having reason to believe that the combined weight of any vehicle exceeds the combined weight declared as provided in ORS 481.220, may require that such vehicle or combination of vehicles be driven to the nearest public or certified scales, in the event such scales are within five miles. Where it is necessary for the vehicle or combination of vehicles

to reverse direction in order to proceed to the scales, the police officer or weighmaster shall assist the driver of the vehicle or combination of vehicles so that the turning movement can be made in safety.

(2) If the police officer or weighmaster finds that the vehicle or combination of vehicles, including any load thereon, is of any dimension or has any gross weight not authorized by ORS 483.502 to 483.536 and 487.905 or not authorized by the terms of any permit issued pursuant to ORS 483.528, the police officer or weighmaster shall require the driver or chauffeur to move the vehicle or combination of vehicles to a suitable place and remain standing while a Uniform Traffic Citation and Complaint is being issued and until such portion of the load is removed as may be necessary to reduce any dimension and any gross weight to the limits authorized by the statute or permit.

(3) The driver or chauffeur of any vehicle shall stop and submit the vehicle or combination of vehicles to any enforcement of commercial vehicle weight, size, load, conformation or equipment regulation when directed to do so by an "OPEN" sign displayed at a permanently established truck scale or by other sign or signal displayed or given by a police officer or weighmaster, and shall comply with the directions of any police officer or weighmaster given pursuant to this section. All material or goods removed from the load shall be removed and cared for by the driver, chauffeur or owner of the vehicle or combination of vehicles at his risk.

(4) Except as to vehicles operating under permits issued pursuant to ORS 483.528, the police officer or weighmaster may, within the discretion of the police officer or weighmaster, permit the driver to proceed without removing the excess dimensions, or weights if the amount of excess gross weight does not exceed the following:

Individual wheel.....	500 pounds
Axle	1,000 pounds
Tandem axles.....	2,000 pounds
Group of axles.....	3,000 pounds
Vehicle or combination of vehicles.....	4,000 pounds

(5) Discretionary action by the police officer or weighmaster under subsection (4) of this section does not relieve the driver or chauffeur and owner of the vehicle or combination of vehicles of any criminal or other

liability or responsibility. [Amended by 1953 c 691 §12, 1957 c 539 §1, 1959 c 152 §9, 1975 c 315 §4, 1977 c 409 §9, 1981 c 229 §1]

483.536 Methods of determining gross weights. (1) For the purpose of determining any gross weight, actual scale weights shall govern. In the absence of information as to scale weights or of convenient facilities for ascertaining scale weights, the weights furnished by dealers, manufacturers or their agents, as to the weights of vehicles and parts of vehicles, and bills of lading or cargo manifests as to weights of loads, may be accepted as the weights thereof, but such weights shall be subject at all times to verification by actual weights subsequently ascertained.

(2) For any of the purposes of ORS 483.502 to 483.536 and 487.905, any gross weight may be measured and determined as follows:

(a) The gross weight of any wheel may be ascertained by placing a loadometer or other portable weighing device underneath the wheel and raising it off the surface of the ground, or by placing any wheel on a platform scale in a position so that the other wheels of the vehicle do not bear upon the platform of the scale.

(b) The gross axle weight of any axle may be ascertained by placing a loadometer or other portable weighing device underneath the outer wheels at both ends of the axle and raising all the wheels of the axle off the surface of the ground so as to weigh the entire axle at one time, or otherwise in the usual manner of the use of weighing devices, or may be ascertained by placing all the wheels of any axle on a platform scale in a position so that the other wheels of the vehicle do not bear upon the platform of the scale.

(c) The gross weight of any tandem axles and the gross weight of any group of axles shall be the sum of the gross axle weights of all the axles comprising the tandem axles or the group of axles, or may be ascertained by placing all the wheels of the tandem axles or the group of axles on a platform scale in a position so that the other wheels of the vehicle or combination of vehicles do not bear upon the platform of the scale. If it is not practical to place only the wheels of the tandem axles or group of axles in a position so that other wheels of the vehicle or combination of vehicles do not bear upon the platform of the scale, other wheels of the vehicle or combination of vehicles may be placed on the platform of the

scale and the gross weight of the tandem axles or the gross weight of the group of axles shall be determined by subtracting from the gross weight of all the wheels upon the platform of the scale the gross weight of the wheels not comprising the tandem axles or the group of axles.

(d) The gross weight of any vehicle or combination of vehicles shall be the sum of the gross axle weights of all the axles of the vehicle or combination of vehicles, or may be ascertained by placing all the wheels of a vehicle or combination of vehicles on a platform scale. [Amended by 1953 c 691 §12]

483.538 [Amended by 1963 c.76 §1; 1969 c 425 §1, 1973 c 440 §1; repealed by 1975 c 451 §291]

483.540 Carrying dog or child on external part of motor vehicle. (1) No person shall carry a dog upon a public street or highway upon the hood, fender, running board or other external part of any automobile or truck unless the dog is protected by framework, carrier or other device sufficient to keep it from falling from the vehicle.

(2) No person shall carry any child upon a public street or highway upon the hood, fender, running board or other external part of any motor vehicle.

(3) A person who violates this section commits a Class C traffic infraction. [Amended by 1977 c 882 §21]

483.542 Designation of streets, roads or highways as truck routes. The Department of Transportation, with respect to state highways outside the corporate limits of incorporated cities or towns, and the county courts or boards of county commissioners, with respect to county roads outside the corporate limits of incorporated cities or towns, and the municipal authorities of any incorporated city or town, with respect to streets, roads or highways within the limits of an incorporated city or town, may designate any street, road or highway or section thereof as a truck route and may prohibit the operation of trucks, machinery or any other large or heavy vehicles upon any street, road or highway which serves the same route or area served by the said truck route. The municipal authorities of an incorporated city or town shall not designate as a truck route, or prohibit the operation of any vehicle upon, any street, road or highway under the jurisdiction of the Department of Transportation or any county, without the written consent of the department or the

county court or board of county commissioners, as the case may be. [1953 c 257 §1]

483.544 Truck route designation to be by order, resolution or ordinance; erecting appropriate signs; when prohibitions are effective; violation prohibited. (1) The Department of Transportation, any county court or board of county commissioners or any city council making any designation, or prohibiting any operation, as authorized by ORS 483.542, shall do so by a proper order, resolution or ordinance, and shall erect and maintain a sign giving notice of the order, resolution or ordinance, in a conspicuous manner and place at each end of the highway or section of highway affected thereby, and at such other places as may be necessary to inform the public, and the designation or prohibitions shall be effective when the signs giving notice thereof are erected, and no person shall operate any vehicle or combination of vehicles in violation thereof.

(2) A person who violates this section commits a Class C traffic infraction. [1953 c.257 §2, 1977 c 882 §22]

483.545 Authority of transportation department to increase size and weight limits. (1) If federal law permits various states to establish size and weight limits in excess of those in ORS 483.502 to 483.525, the department, as provided in subsection (2) of this section, may authorize the movement on highways under its jurisdiction of vehicles or combinations of vehicles of a size or weight in excess of the limits in ORS 483.502 to 483.525 but within the limits necessary to qualify for federal-aid highway funds.

(2) The authority granted the department by this section shall be exercised by adoption of a resolution pursuant to ORS 483.525 or by issuance of permits pursuant to ORS 483.528, except that the maximum size and weight limits authorized by this section apply.

(3) If the department exercises the authority granted by this section in regard to highways under its jurisdiction, the county courts or boards of county commissioners and city councils may also increase the size and weight limits on the highways and streets under their jurisdictions, provided that such increases do not exceed the maximum size and weight limits authorized by the department. The authority granted by this subsection shall be exercised under the provisions of ORS 483.525 or 483.528. [1965 c 34 §2; 1977 c.409 §10]

BICYCLES (Equipment)

483.547 Parent or guardian prohibited from permitting child to violate bicycle equipment laws. (1) A parent or guardian commits the offense of permitting the operation of an unlawfully equipped bicycle if he authorizes or knowingly permits his minor child or ward to operate a bicycle equipped in violation of ORS 483.549.

(2) Permitting the operation of an unlawfully equipped bicycle is a Class D traffic infraction. [1975 c 451 §121]

483.549 Lamps and other equipment on bicycles. (1) When a person operates a bicycle upon a highway at any time from a half-hour after sunset to a half-hour before sunrise or at any other time when, due to insufficient light or unfavorable atmospheric conditions, persons and vehicles are not clearly discernible at a distance of 500 feet ahead, the bicycle or its rider shall be equipped with a lamp showing a white light visible from a distance of at least 500 feet to the front of the bicycle, and a red reflector or lighting device or material of such size or characteristics and so mounted as to be visible from all distances up to 600 feet to the rear when directly in front of lawful lower beams of head lamps on a motor vehicle.

(2) Every bicycle shall be equipped with a brake that enables the operator to make the braked wheels skid on dry, level, clean pavement.

(3) No person shall install or use any siren or whistle upon a bicycle.

(4) A person who operates an unlawfully equipped bicycle commits a Class D traffic infraction. [1975 c 451 §122]

(Street Drains)

483.552 Definitions for ORS 483.002, 483.554, 483.556 and 487.750. As used in ORS 483.002, 483.554, 483.556 and 487.750:

(1) "Public way" shall mean any public highway, street, road, footpath or bicycle trail.

(2) "Street drains" shall mean sewer drains, storm drains and other similar openings in a roadbed over which traffic in the roadbed is intended to pass. [1975 c 287 §2, 1981 c 511 §2]

483.554 Drain construction to comply with bicycle safety requirements; guidelines; effect on existing drains. Street drains in any portion of public way which is available for use by bicycle traffic shall be designed and installed, including any modification of existing drains, with grates or covers so that bicycle traffic may pass over said drains safely and without obstruction or interference. [1975 c 287 §3]

483.556 Construction guidelines. (1) The Department of Transportation shall adopt construction guidelines for the design of public ways in accordance with ORS 483.554.

(2) Nothing contained in this section and ORS 483.554 shall require the redesign, modification or replacement of street drains installed prior to September 13, 1975. [1975 c 287 §§4, 5, formerly (2), (3) of 483 398, 1981 c 511 §3]

ACCIDENTS

483.602 Duties of drivers and witnesses at accidents. (1) The driver of any vehicle involved in an accident which results in injury or death to any person or causes damage to a vehicle which is driven or attended by any person, immediately shall stop such vehicle at the scene of the accident, or as close thereto as possible, and shall remain at the scene of the accident until the driver has fulfilled the requirements of subsection (2) of this section. Every such stop shall be made without obstructing traffic more than is necessary.

(2) The driver of any vehicle involved in any accident resulting in injury or death to any person or damage to any such vehicle shall:

(a) Give to the other driver or surviving passenger, or any person not a passenger injured as a result of such accident, the name, address and the registration number of the vehicle which the driver is driving, and the name and address of any other occupants of such vehicle.

(b) Upon request and if available, exhibit and give the number of the operator's or chauffeur's license of the driver to the persons injured, or to the occupant of or person attending any vehicle damaged.

(c) Render to any person injured in such accident reasonable assistance, including the conveying or the making of arrangements for the conveying of such person to a physician, surgeon or hospital for medical or surgical

treatment, if it is apparent that such treatment is necessary or if such conveying is requested by any injured person.

(3) Any witness to the accident shall furnish to the driver or occupant of such vehicles, or injured person, the true name and address of the witness.

(4)(a) A driver involved in an accident which results in injury or death to any other person and who fails to perform the duties required under subsection (1) of this section commits a Class C felony.

(b) A driver involved in an accident which results only in damage to a vehicle which is driven or attended by any other person and who fails to perform the duties required under subsection (1) of this section commits a Class A misdemeanor.

(c) A witness to an accident who fails to perform the duties required under subsection (3) of this section commits a Class B traffic infraction. [Amended by 1953 c 7 §3; 1977 c 882 §23; 1981 c.818 §11]

483.604 Driver's duties whose vehicle collides with unattended vehicle or other property. (1) The driver of any vehicle which collides with any vehicle which is unattended immediately shall stop and:

(a) Locate and notify the operator or owner of such vehicle of the name and address of the driver and owner of the vehicle striking the unattended vehicle; or

(b) Leave in a conspicuous place in the vehicle struck a written notice giving the name and address of the driver and of the owner of the vehicle doing the striking and a statement of the circumstances thereof.

(2) The driver of any vehicle involved in an accident resulting only in damage to fixtures or property legally upon or adjacent to a highway shall:

(a) Take reasonable steps to notify the owner or person in charge of such property of such fact and of the driver's name and address and of the registration number of the vehicle the driver is driving.

(b) Upon request and if available, exhibit the operator's or chauffeur's license of the driver.

(c) Make report of such accident as required in ORS 483.606 to 483.610.

(3) A person who violates this section commits a Class A misdemeanor. [Amended by 1977 c.882 §24; 1981 c.818 §12]

483.606 Accident reports required. (1) The driver of any vehicle involved in an accident resulting in injury or death to any person or damage to the property of any one person in excess of \$400 shall, within 72 hours, forward a complete written report of such accident to the sheriff of the county, or to the chief of police of the city in which such accident occurs, or to such other agency as the Motor Vehicles Division may establish for the purpose of receiving such accident reports. Every sheriff, chief of police or other designated agency shall forward every report so filed, or a copy of the same, to the Motor Vehicles Division upon forms furnished by the division not later than seven days following the date of filing.

(2) Whenever the original report is insufficient in the opinion of the Motor Vehicles Division, the division may require drivers involved in accidents to file supplemental reports of accidents, and may also require witnesses of accidents to render reports to the division.

(3) Whenever the driver of a vehicle is physically incapable of making a required accident report and there was another occupant in the vehicle at the time of the accident capable of making a report, such occupant shall make or cause the report to be made.

(4) A person who violates this section commits a Class B traffic infraction. [Amended by 1963 c 12 §1, 1971 c 606 §1, 1977 c 882 §25, 1981 c 619 §1]

483.608 Form of report; sending death certificate to division. (1) The division shall prepare and upon request supply to police departments, sheriffs and other suitable agencies or individuals, forms for accident reports required in ORS 483.606 and 483.611. The report shall call for sufficiently detailed information to disclose with reference to a traffic accident the cause, conditions then existing, and the persons and vehicles involved.

(2) Every required accident report shall be made on a form approved by the division. The division shall consult with the Oregon State Police and city and county law enforcement officials before it approves a form for accident reports required by ORS 483.611.

(3) The Assistant Director for Health shall on or before the 15th day of each month forward to the division a copy of the death certificate covering the death, resulting from a motor vehicle accident, of any persons within

his jurisdiction during the preceding calendar month. [Amended by 1967 c.500 §5]

483.610 Confidential nature of report; publication of statistics; city authorized to require accident report. (1) All accident reports made to the Motor Vehicles Division or to any sheriff, chief of police or other authorized agent shall be without prejudice to the individual so reporting and shall be for the confidential use of state administrative and enforcement agencies.

(2) The Motor Vehicles Division, upon written request, shall, if available, disclose the following information to any party involved in the accident, or, in the event of his death, to any member of his family, or his personal representatives:

(a) The identity of the owner, driver, occupants and the license number of a motor vehicle involved in an accident;

(b) The names of any companies insuring said owner or driver; and

(c) The identity of any witnesses to said accident.

(3) No such report shall be used as evidence in any trial, civil or criminal, arising out of an accident. The Motor Vehicles Division shall furnish upon demand of any person who has, or claims to have, made such a report or, upon demand of any court, a certificate showing that a specified accident report has or has not been made to the Motor Vehicles Division, solely to prove a compliance or a failure to comply with the requirement that such a report be made to the division.

(4) The Motor Vehicles Division shall tabulate and may analyze all accident reports and shall publish annually, or at more frequent intervals, statistical information based thereon as to the number and circumstances of traffic accidents.

(5) Any incorporated city may by ordinance require that the driver of a vehicle involved in an accident file with a designated city department a report of such accident or a copy of any report required to be filed under ORS 483.606. All such reports shall be for the confidential use of the city department but subject to the provisions of subsections (1) and (2) of this section. [Amended by 1957 c.560 §1]

483.611 Accident reports by police; status of report. (1) A police officer shall submit to the division a written report within 10 days:

(a) After he investigates a vehicle accident in which a report is required by ORS 483.606 or 483.612; or

(b) After he prepares a written report of an accident investigated at the time and place of the accident or by field interviews with the participants or witnesses.

(2) Notwithstanding subsection (1) of this section, an officer is not required to submit a report until 10 days after the conclusion of proceedings involving an offense described by ORS 163.091 or ORS 484.010 (5) arising out of the accident.

(3) The reports submitted to the division under subsection (1) of this section are not privileged or confidential. [1967 c 500 §4]

483.612 Report of vehicles brought to garage or repair shop showing accident or bullet contact. (1) The person in charge of any garage or repair shop to which is brought any motor vehicle which shows evidence of having been involved in a serious accident or struck by any bullet shall report to the nearest police station or sheriff's office within 24 hours after such motor vehicle is received, giving the registration number and the name and address of the owner or operator of such vehicle.

(2) An additional report need not be made under this section when the owner of the vehicle is also the owner of the garage or repair shop and he has made a report under ORS 483.606 which includes the information required by this section [Amended by 1975 c 209 §14]

483.614 [Repealed by 1975 c 451 §291]

483.616 [Subsections (3) and (4) of 1957 Replacement Part enacted as 1953 c 587 §5 and 1953 c 257 §4, repealed by 1959 c 664 §30]

483.618 [Repealed by 1959 c 664 §30]

OVERLOADING VIOLATIONS

483.620 [Renumbered 484 125]

483.622 [Repealed by 1959 c 664 §30]

483.624 [Repealed by 1959 c 664 §30]

483.626 [Repealed by 1959 c 664 §30]

483.628 Driver or chauffeur may be exonerated from overloading violation if in good faith. (1) In any prosecution for any violation punishable under ORS 481.202, 483.991 (1) or 483.994 to 483.997, of any driver or chauffeur who is employed, by the owner

or lessee of the vehicle or combination of vehicles involved in the violation, to operate such vehicle or combination, the court or judicial officer shall make the owner or lessee of the vehicle a codefendant if appearance has not been made by the driver or chauffeur within 15 days of the date the driver or chauffeur was cited to appear in court.

(2) If it is found that the owner or lessee caused or permitted the driver or chauffeur to operate the vehicle or combination of vehicles in violation of any provision punishable under ORS 481.202, 483.991 (1) or 483.994 to 483.997, and if the owner or lessee is found guilty of violating any such provision, the court or judicial officer may dismiss the charges against the driver or chauffeur. [Amended by 1953 c 691 §12; 1959 c.152 §10, 1975 c.315 §5]

483.630 [Amended by 1955 c 297 §1, 1961 c 713 §1; repealed by 1965 c.574 §13]

483.632 [1965 c.574 §2, repealed by 1967 c.500 §6]

483.634 [1965 c 574 §3, 1969 c 579 §2, 1975 c 451 §149, renumbered 487 805]

483.636 [1965 c 574 §5, renumbered 487 835]

483.638 [1965 c 574 §8, 1975 c.451 §269a; renumbered 487 810]

483.640 [1965 c 574 §4; 1975 c 451 §150; renumbered 487 825]

483.642 [1965 c 574 §9, 1971 c 313 §1; repealed by 1975 c 451 §291]

483.644 [1965 c 574 §6, 1975 c 451 §269b, renumbered 487 815]

483.646 [1965 c 574 §7; renumbered 487 830]

483.648 [1973 c 465 §1, 1975 c.451 §269c, renumbered 487 820]

483.652 [1961 c 725 §1, repealed by 1963 c 32 §3]

483.654 [1961 c 725 §4; repealed by 1963 c 32 §3]

483.656 [1961 c 725 §6, repealed by 1963 c 32 §3]

483.658 [1961 c 725 §7, repealed by 1963 c 32 §3]

483.660 [1961 c 725 §8, repealed by 1963 c 32 §3]

483.662 [1961 c 725 §8a, repealed by 1963 c 32 §3]

483.664 [1961 c 725 §9(1), (2), (3), repealed by 1963 c 32 §3]

483.666 [1961 c 725 §5, repealed by 1963 c 32 §3]

VEHICLE EQUIPMENT SAFETY COMPACT

483.668 Definitions for ORS 483.668 to 483.682. As used in ORS 483.668 to 483.682, except where the context otherwise requires:

(1) "Compact" means the Vehicle Equipment Safety Compact

(2) "Commission" means the Vehicle Equipment Safety Commission.

(3) "Executive head," with reference to this state, means the Governor. [1963 c 153 §2]

483.670 Vehicle Equipment Safety Compact. The Vehicle Equipment Safety Compact hereby is enacted into law and entered into on behalf of this state with all other states legally joining therein in a form substantially as follows:

ARTICLE I

FINDINGS AND PURPOSES

(a) The party states find that:

(1) Accidents and deaths on their streets and highways present a very serious human and economic problem with a major deleterious effect on the public welfare.

(2) There is a vital need for the development of greater interjurisdictional cooperation to achieve the necessary uniformity in the laws, rules, regulations and codes relating to vehicle equipment, and to accomplish this by such means as will minimize the time between the development demonstrably and scientifically sound safety features and their incorporation into vehicles.

(b) The purposes of this compact are to:

(1) Promote uniformity in regulation of and standards for equipment.

(2) Secure uniformity of law and administrative practice in vehicular regulation and related safety standards to permit incorporation of desirable equipment changes in vehicles in the interest of greater traffic safety.

(3) To provide means for the encouragement and utilization of research which will facilitate the achievement of the foregoing purposes, with due regard for the findings set forth in subdivision (a) of this Article.

(c) It is the intent of this compact to emphasize performance requirements and not to determine the specific detail of engineering in the manufacture of vehicles or equipment except to the extent necessary for the meeting of such performance requirements.

ARTICLE II DEFINITIONS

As used in this compact:

(a) "Vehicle" means every device in, upon or by which any person or property is or may be transported or drawn upon a highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks.

(b) "State" means a state, territory or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.

(c) "Equipment" means any part of a vehicle or any accessory for use thereon which affects the safety of operation of such vehicle or the safety of the occupants

ARTICLE III THE COMMISSION

(a) There is hereby created an agency of the party states to be known as the "Vehicle Equipment Safety Commission" hereinafter called the commission. The commission shall be composed of one commissioner from each party state who shall be appointed, serve and be subject to removal in accordance with the laws of the state which he represents. If authorized by the laws of his party state, a commissioner may provide for the discharge of his duties and the performance of his functions on the commission, either for the duration of his membership or for any lesser period of time, by an alternate. No such alternate shall be entitled to serve unless notification of his identity and appointment shall have been given to the commission in such form as the commission may require. Each commissioner, and each alternate, when serving in the place and stead of a commissioner, shall be entitled to be reimbursed by the commission for expenses actually incurred in attending commission meetings or while engaged in the business of the commission.

(b) The commissioners shall be entitled to one vote each on the commission. No action of the commission shall be binding unless taken at a meeting at which a majority of the total number of votes on the commission are cast in favor thereof. Action of the commission shall be only at a meeting at which a majority of the commissioners, or their alternates, are present.

(c) The commission shall have a seal.

(d) The commission shall elect annually, from among its members, a chairman, a vice chairman and a treasurer. The commission may appoint an executive director and fix his duties and compensation. Such executive director shall serve at the pleasure of the commission, and together with the treasurer shall be bonded in such amount as the commission shall determine. The executive director also shall serve as secretary. If there be no executive director, the commission shall elect a secretary in addition to the other officers provided by this subdivision.

(e) Irrespective of the civil service, personnel or other merit system laws of any of the party states, the executive director with the approval of the commission, or the commission if there be no executive director, shall appoint, remove or discharge such personnel as may be necessary for the performance of the commission's functions, and shall fix the duties and compensation of such personnel.

(f) The commission may establish and maintain independently or in conjunction with any one or more of the party states, a suitable retirement system for its full-time employees. Employees of the commission shall be eligible for social security coverage in respect of old age and survivor's insurance provided that the commission takes such steps as may be necessary pursuant to the laws of the United States, to participate in such program of insurance as a governmental agency or unit. The commission may establish and maintain or participate in such additional programs of employee benefits as may be appropriate.

(g) The commission may borrow, accept or contract for the services of personnel from any party state, the United States or any subdivision or agency of the aforementioned governments, or from any agency of two or more of the party states or their subdivisions.

(h) The commission may accept for any of its purposes and functions under this compact any and all donations, and grants of money, equipment, supplies, materials and services, conditional or otherwise, from any state, the United States or any other governmental agency and may receive, utilize and dispose of the same.

(i) The commission may establish and maintain such facilities as may be necessary for the transacting of its business. The commission may acquire, hold and convey real

and personal property and any interest therein.

(j) The commission shall adopt bylaws for the conduct of its business and shall have the power to amend and rescind these bylaws. The commission shall publish its bylaws in convenient form and shall file a copy thereof and a copy of any amendment thereto, with the appropriate agency or officer in each of the party states. The bylaws shall provide for appropriate notice to the commissioners of all commission meetings and hearings and the business to be transacted at such meetings or hearings. Such notice shall also be given to such agencies or officers of each party state as the laws of such party state may provide.

(k) The commission annually shall make to the governor and legislature of each party state a report covering the activities of the commission for the preceding year, and embodying such recommendations as may have been issued by the commission. The commission may make such additional reports as it may deem desirable.

ARTICLE IV RESEARCH AND TESTING

The commission shall have power to:

(a) Collect, correlate, analyze and evaluate information resulting or derivable from research and testing activities in equipment and related fields.

(b) Recommend and encourage the undertaking of research and testing in any aspect of equipment or related matters when, in its judgment, appropriate or sufficient research or testing has not been undertaken.

(c) Contract for such equipment research and testing as one or more governmental agencies may agree to have contracted for by the commission, provided that such governmental agency or agencies shall make available the funds necessary for such research and testing.

(d) Recommend to the party states changes in law or policy with emphasis on uniformity of laws and administrative rules, regulations or codes which would promote effective governmental action or coordination in the prevention of equipment-related highway accidents or the mitigation of equipment-related highway safety problems.

ARTICLE V
VEHICULAR EQUIPMENT

(a) In the interest of vehicular and public safety, the commission may study the need for or desirability of the establishment of or changes in performance requirements or restrictions for any item of equipment. As a result of such study, the commission may publish a report relating to any item or items of equipment, and the issuance of such a report shall be a condition precedent to any proceedings or other action provided or authorized by this Article. No less than 60 days after the publication of a report containing the results of such study, the commission upon due notice shall hold a hearing or hearings at such place or places as it may determine.

(b) Following the hearing or hearings provided for in subdivision (a) of this Article, and with due regard for standards recommended by appropriate professional and technical associations and agencies, the commission may issue rules, regulations or codes embodying performance requirements or restrictions for any item or items of equipment covered in the report, which in the opinion of the commission will be fair and equitable and effectuate the purposes of this compact.

(c) Each party state obligates itself to give due consideration to any and all rules, regulations and codes issued by the commission and hereby declares its policy and intent to be the promotion of uniformity in the laws of the several party states relating to equipment.

(d) The commission shall send prompt notice of its action in issuing any rule, regulation or code pursuant to this Article to the appropriate motor vehicle agency of each party state and such notice shall contain the complete text of the rule, regulation or code.

(e) If the constitution of a party state requires, or if its statutes provide, the approval of the legislature by appropriate resolution or act may be made a condition precedent to the taking effect in such party state of any rule, regulation or code. In such event, the commissioner of such party state shall submit any commission rule, regulation or code to the legislature as promptly as may be in lieu of administrative acceptance or rejection thereof by the party state.

(f) Except as otherwise specifically provided in or pursuant to subdivisions (e) and (g) of this Article, the appropriate motor vehicle

agency of a party state shall in accordance with its constitution or procedural laws adopt the rule, regulation or code within six months of the sending of the notice, and, upon such adoption, the rule, regulation or code shall have the force and effect of law therein.

(g) The appropriate motor vehicle agency of a party state may decline to adopt a rule, regulation or code issued by the commission pursuant to this Article if such agency specifically finds, after public hearing on due notice, that a variation from the commission's rule, regulation or code is necessary to the public safety, and incorporates in such finding the reasons upon which it is based. Any such finding shall be subject to review by such procedure for review of administrative determinations as may be applicable pursuant to the laws of the party state. Upon request, the commission shall be furnished with a copy of the transcript of any hearings held pursuant to this subdivision.

ARTICLE VI
FINANCE

(a) The commission shall submit to the executive head or designated officer or officers of each party state a budget of its estimated expenditures for such period as may be required by the laws of that party state for presentation to the legislature thereof.

(b) Each of the commission's budgets of estimated expenditures shall contain specific recommendations of the amount or amounts to be appropriated by each of the party states. The total amount of appropriations under any such budget shall be apportioned among the party states as follows: one-third in equal shares; and the remainder in proportion to the number of motor vehicles registered in each party state. In determining the number of such registrations, the commission may employ such source or sources of information as, in its judgment present the most equitable and accurate comparisons among the party states. Each of the commission's budgets of estimated expenditures and requests for appropriations shall indicate the source or sources used in obtaining information concerning vehicular registrations.

(c) The commission shall not pledge the credit of any party state. The commission may meet any of its obligations in whole or in part with funds available to it under Article III (h) of this compact, provided that the Commission takes specific action setting aside such funds

prior to incurring any obligation to be met in whole or in part in such manner. Except where the commission makes use of funds available to it under Article III (h) hereof, the commission shall not incur any obligation prior to the allotment of funds by the party states adequate to meet the same.

(d) The commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the commission shall be subject to the audit and accounting procedures established under its rules. However, all receipts and disbursements of funds handled by the commission shall be audited yearly by a qualified public accountant and the report of the audit shall be included in and become part of the annual reports of the commission.

(e) The accounts of the commission shall be open at any reasonable time for inspection by duly constituted officers of the party states and by any persons authorized by the commission.

(f) Nothing contained herein shall be construed to prevent commission compliance with laws relating to audit or inspection of accounts by or on behalf of any government contributing to the support of the commission.

ARTICLE VII CONFLICT OF INTEREST

(a) The commission shall adopt rules and regulations with respect to conflict of interest for the commissioners of the party states, and their alternates, if any, and for the staff of the commission and contractors with the commission to the end that no member or employe or contractor shall have a pecuniary or other incompatible interest in the manufacture, sale or distribution of motor vehicles or vehicular equipment or in any facility or enterprise employed by the Commission or on its behalf for testing, conduct of investigations or research. In addition to any penalty for violation of such rules and regulations as may be applicable under the laws of the violator's jurisdiction of residence, employment or business, any violation of a commission rule or regulation adopted pursuant to this Article shall require the immediate discharge of any violating employe and the immediate vacating of membership, or relinquishing of status as a member on the commission by any commissioner or alternate. In the case of a contractor, any violation of any such rule or regulation shall make any contract of the violator with the

commission subject to cancellation by the commission.

(b) Nothing contained in this Article shall be deemed to prevent a contractor for the commission from using any facilities subject to his control in the performance of the contract even though such facilities are not devoted solely to work of or done on behalf of the commission; nor to prevent such a contractor from receiving remuneration or profit from the use of such facilities.

ARTICLE VIII ADVISORY AND TECHNICAL COMMITTEES

The commission may establish such advisory and technical committees as it may deem necessary, membership on which may include private citizens and public officials, and may cooperate with and use the services of any such committees and the organizations which the members represent in furthering any of its activities.

ARTICLE IX ENTRY INTO FORCE AND WITHDRAWAL

(a) This compact shall enter into force when enacted into law by any six or more states. Thereafter, this compact shall become effective as to any other state upon its enactment thereof.

(b) Any party state may withdraw from this compact by enacting a statute repealing the same, but no such withdrawal shall take effect until one year after the executive head of the withdrawing state has given notice in writing of the withdrawal to the executive heads of all other party states. No withdrawal shall affect any liability already incurred by or chargeable to a party state prior to the time of such withdrawal.

ARTICLE X CONSTRUCTION AND SEVERABILITY

This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any state or of the United States or the applicability thereof to any government, agency, person or circumstance is

held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state participating herein, the compact shall remain in full force and effect as to the remaining party states and in full force and effect as to the state affected as to all severable matters.

[1963 c 153 §3]

483.672 Appointment of commissioner from this state for Vehicle Equipment Safety Commission; alternate. (1) The Governor shall appoint the commissioner of this state on the Vehicle Equipment Safety Commission who shall be responsible to and hold his office at the pleasure of the Governor. The appointment of the commissioner is subject to confirmation by the Senate in the manner provided in ORS 171.565. If an appointment is made in the interim between legislative sessions, the Senate shall act through the Committee on Executive Appointments provided by ORS 171.562 in the manner provided in that section; and the commissioner so appointed is subject to confirmation by the Senate when it next convenes.

(2) If the commissioner appointed pursuant to subsection (1) of this section is an officer of the state government, he may designate an alternate from among the officers and employes of his agency to serve in his place and stead on the commission. Subject to the provisions of the compact and bylaws of the commission, the authority and responsibilities of such alternate shall be as determined by the commissioner designating such alternate.

(3) The commissioner, or alternate if one is designated pursuant to subsection (2) of this section, shall not be entitled to any additional compensation on account of his service as commissioner for this state.

(4) If an alternate is designated pursuant to subsection (2) of this section, the commissioner shall notify the commission of such alternate's identity and appointment in such form as the commission may require. [1963 c 153 §5, 1969 c 695 §10]

483.674 Filing of documents, regulations and notices under compact. (1) Filing of documents as required by Article III (j) of the compact shall be with the Secretary of State.

(2) Rules, regulations or codes issued by the commission pursuant to Article V (d) of the compact shall be filed with the Motor Vehicles Division in this state.

(3) Any and all notices required by commission bylaws to be given pursuant to Article III (j) of the compact shall be given to the commissioner of this state or his alternate, if any. [1963 c 153 §6]

483.676 Regulations of commission to take effect in this state only when approved by Legislative Assembly. Rules, regulations or codes issued by the Vehicle Equipment Safety Commission in accordance with Article V of the compact shall not take effect in this state until approved by Act of the Legislative Assembly. [1963 c 153 §4]

483.678 Commission to submit budget to Motor Vehicles Division; division to request commission funds. (1) The Vehicle Equipment Safety Commission shall submit its budget biennially to the Administrator of the Motor Vehicles Division of the Department of Transportation of this state for study and consideration by the administrator. Such budget shall include any request for appropriation of funds by this state and shall be accompanied by a tabulation of similar requests which the commission expects to make to each other party state and the formula or factors upon which such respective requests are based.

(2) The Motor Vehicles Division shall include a suitable item or items covering this state's portion of the estimated expenditures of the commission in the budget estimates of the division. [1963 c.153 §7]

483.680 Secretary of State to examine commission accounts. The Secretary of State hereby is authorized and empowered to examine the accounts of the Vehicle Equipment Safety Commission. [1963 c 153 §8]

483.682 State agencies to cooperate with commission. Within appropriations available therefor, the departments, agencies and officers of the government of this state may cooperate with and assist the Vehicle Equipment Safety Commission within the scope contemplated by Article III (h) of the compact. The departments, agencies and officers of the government of this state are authorized generally to cooperate with said commission. [1963 c 153 §9]

SNOWMOBILES

483.705 [1969 c 598 §9, repealed by 1971 c 618 §28]

483.710 Hunting from snowmobile prohibited; exceptions; operation of snowmobile while under influence of liquor or drugs prohibited. (1) No person shall operate a snowmobile in a manner so as to run down, harass, chase or annoy any game animals or birds or domestic animals. No person shall hunt from a snowmobile. This subsection does not apply to officers of the State Fish and Wildlife Commission, to persons under contract to the commission in the performance of their official duties or to individuals who have secured a permit from the commission for purposes of research and study.

(2) No owner or other person having charge or control of a snowmobile shall knowingly authorize or permit any person to operate the snowmobile across a highway who is incapable by reason of age, physical or mental disability or who is under the influence of intoxicating liquor or controlled substances. [1969 c 598 §§10, 13; 1971 c 618 §23, 1977 c 745 §50, 1979 c 744 §40]

483.715 [1969 c 598 §11, repealed by 1971 c 618 §28]

483.725 Operator's license or certification required; age limit for operators; snowmobile safety education courses. (1) No person shall operate a snowmobile unless:

(a) He has an operator's license issued under ORS chapter 482 or has been certified, as provided by subsection (3) of this section, as qualified to operate a snowmobile; and

(b) He has on his person at the time he is operating the snowmobile his license or evidence of such certification.

(2) No person under 12 years of age shall operate a snowmobile on or across a highway or a railroad right of way.

(3) A person who does not have an operator's license issued under ORS chapter 482 may operate a snowmobile if he has taken a snowmobile safety education course and been certified as qualified to operate a snowmobile. The course shall be one given by an instructor designated by the division as qualified to conduct such a course and issue such a certificate. The division shall adopt regulations to provide for the designation of instructors and the issuance of certificates. The division shall by regulation prescribe reasonable fees to be collected in the administration of the program. Notwithstanding subsection (1) of this

section, a person may operate a snowmobile while taking such a course from an instructor. [1971 c 618 §18]

483.730 Prohibited acts. (1) It shall be unlawful for any person to operate any snowmobile:

(a) At a rate of speed greater than reasonable and proper under the existing conditions.

(b) While under the influence of intoxicating liquor or controlled substances.

(c) In a negligent manner so as to endanger the person or property of another, or to cause injury or damage to either.

(d) Without a lighted headlight and tail-light.

(e) Without an adequate braking device which may be operated either by hand or foot.

(f) Without an adequate and operating muffling device which shall effectively blend the exhaust and motor noise in such a manner so as to preclude excessive or unusual noise and, on snowmobiles manufactured after January 4, 1973, which shall effectively maintain such noise at a level of 82 decibels or below on the "A" scale at 100 feet under testing procedures established by the Department of State Police; however, snowmobiles used in organized racing events in an area designated for that purpose may use a bypass or cutout device.

(g) Upon the paved portion or upon the shoulder or inside bank or slope of any highway, or upon the median of any divided highway or upon any portion of a highway right of way under construction, except as provided in ORS 483.735 and 483.740.

(h) On or across a railroad right of way, except as provided by ORS 483.735 and 483.740; however, this paragraph does not apply to snowmobiles being operated by officers or employes or authorized contractors or agents of a railroad in the course of their employment.

(i) In any area or in such a manner so as to expose the underlying soil or vegetation, or to injure, damage or destroy trees or growing crops.

(j) With a firearm in the possession of the person, unless the firearm is unloaded, or with a bow, unless the bow is unstrung.

(2) A person who violates paragraph (a), (c), (d), (e), (f), (g), (h), (i) or (j) of subsection (1) of this section commits a Class B traffic infraction.

(3) A person who violates paragraph (b) of subsection (1) of this section commits a Class A traffic infraction. [1971 c 618 §15, 1977 c 882 §26, 1979 c 744 §41]

483.735 Crossing two or three lane highways. It shall be lawful to drive or operate a snowmobile across a two or three lane highway or a railroad right of way when:

(1) The crossing is made at an angle of approximately 90 degrees to the direction of the highway or railroad right of way and at a place where no obstruction prevents a quick and safe crossing;

(2) The snowmobile is brought to a complete stop before entering the highway or railroad right of way;

(3) The operator of the snowmobile yields the right of way to vehicles using the highway or equipment using the railroad tracks; and

(4) The crossing is made at an established public railroad crossing or at a place that is greater than 100 feet from any highway intersection.

(5) A person who violates this section commits a Class C traffic infraction. [1971 c 618 §16, 1977 c 882 §27]

483.740 Operation of snowmobile upon highway or railroad right of way. (1) Notwithstanding ORS 483.725 (2) and 483.735, it shall be lawful to operate a snowmobile upon a highway:

(a) Where the highway is completely covered with snow or ice and has been closed to motor vehicle traffic during the winter months;

(b) For the purpose of loading or unloading when such operation is performed with safety and without causing a hazard to vehicular traffic approaching from either direction on the highway;

(c) Where the highway is posted to permit snowmobiles;

(d) In an emergency during the period of time when and at locations where snow upon the highway renders travel by automobile impractical; or

(e) When traveling along a designated snowmobile trail.

(2) Notwithstanding ORS 483.725 (2) and 483.735, it shall be lawful to operate a snowmobile upon a railroad right of way:

(a) Where the right of way is posted to permit snowmobiles; or

(b) In an emergency.

(3) A person who violates this section commits a Class C traffic infraction. [1971 c 618 §17, 1977 c 882 §28]

483.745 Accident reports required. The operator of a snowmobile involved in any accident resulting in injury to or death of any person, or property damage in the estimated amount of \$200 or more, or a person acting for the operator or the owner of the snowmobile having knowledge of the accident, should the operator of the snowmobile be unknown, shall submit such reports as are required under ORS 483.602 to 483.612 are applicable to such reports when submitted. [1971 c 618 §19, 1975 c 451 §269d]

483.750 Enforcement of ORS 483.725 to 483.740. ORS 483.725 to 483.740 shall be enforced by all police officers, game wardens and all other state law enforcement officers within their respective jurisdictions. [1971 c 618 §20]

483.755 Regulation of snowmobiles by cities, counties, political subdivisions and state agencies. Notwithstanding any of the provisions of ORS 483.725 to 483.740 and 483.991 (3), any city, county or other political subdivision, or any state agency, may regulate the operation of snowmobiles on public lands, waters and other properties under its jurisdiction, and on streets or highways within its boundaries by adopting regulations or ordinances of its governing body, if such regulations are not inconsistent with ORS 483.725 to 483.740 and 483.991 (3). [1971 c 618 §22, 1977 c 475 §6]

MOTOR VEHICLE POLLUTION CONTROL SYSTEMS

483.760 Definitions for ORS 483.760 to 483.773. As used in ORS 483.760 to 483.773:

(1) "Visible emission" means those gases or particulates, excluding uncombined water, which separately or in combination are visible upon release to the outdoor atmosphere.

(2) "Opacity" means the degree to which transmitted light is obscured, expressed in percent.

(3) "Motor vehicle" does not include:

(a) A motor vehicle for which a farm truck license has been issued under ORS 481.225.

(b) A motor vehicle of special interest as that term is defined in ORS 481.205 (6)(c).

(c) A motor vehicle at least one-half the age of the automobile manufacturing industry in the United States, such industry defined as having begun in the year 1900, which is maintained as a collectors' item and used for exhibitions, parades, club activities and similar uses, but not used primarily for the transportation of persons or property. [1977 c 777 §2]

483.765 Visible vehicle emission prohibited; exclusion. (1) No person shall operate, drive, or cause or permit to be driven or operated any motor vehicle upon a public street or highway which emits into the atmosphere any visible emission.

(2) Excluded from this section are those motor vehicles:

(a) Powered by compression ignition, two-cycle or diesel cycle engines; or

(b) Excluded by order of the Environmental Quality Commission pursuant to ORS 468.345. [1977 c.777 §3]

483.770 When exclusion not applicable. No person shall operate, drive, or cause or permit to be driven or operated upon a public street or highway any motor vehicle excluded by ORS 483.765 (2) which:

(1) When operated at an elevation of 3,000 feet or less, emits visible emissions into the atmosphere:

(a) Of an opacity greater than 40 percent; or

(b) Of an opacity of 10 percent or greater for a period exceeding seven consecutive seconds.

(2) When operated at an elevation of over 3,000 feet, emits visible emissions into the atmosphere:

(a) Of an opacity greater than 60 percent; or

(b) Of an opacity of 20 percent or greater for a period exceeding seven consecutive seconds. [1977 c 777 §4]

483.773 Counties to which ORS 483.760 to 483.770 apply. (1) ORS 483.760 to 483.770 shall apply only in counties having a population over 50,000 according to the 1970 federal decennial census and located west of the summit of the Cascade Mountains.

(2) As used in this section, "summit of the Cascade Mountains" means a line beginning at the intersection of the northern boundary of the State of Oregon and the western boundary of Wasco County, thence southerly along

the western boundaries of the counties of Wasco, Jefferson, Deschutes and Klamath to the southern boundary of the State of Oregon. [1977 c.777 §6]

483.775 [1973 c 191 §5; renumbered 487.837]

483.780 [1973 c 191 §2; renumbered 487.839]

483.785 [1973 c 191 §3; renumbered 487.841]

483.790 [1973 c.191 §4; renumbered 487.843]

483.800 Definitions for ORS 483.805 and 483.825. As used in ORS 483.805 and 483.825, the terms "certified system," "factory-installed system," "motor vehicle" and "motor vehicle pollution control system" have the meanings given in ORS 468.360. [1971 c.454 §14, 1973 c 835 §80]

483.805 Operation of vehicle without required air pollution control certificate of compliance prohibited; repair of unsafe or defective system required. (1) After the date of registration, reregistration or renewal immediately subsequent to the effective date of a rule of the Environmental Quality Commission under ORS 468.370 requiring certified or factory-installed systems on motor vehicles registered in designated counties, a motor vehicle which is required to be equipped with a certified system or factory-installed system as a prerequisite to registration under ORS 481.190 shall not be operated or left standing upon a highway unless a valid certificate of compliance has been issued for the vehicle pursuant to rules of the Environmental Quality Commission.

(2) Whenever a certificate of compliance is revoked, suspended or restricted because a certified system or factory-installed system has been found to be unsafe in actual use or is otherwise mechanically defective the defect must be corrected or the system must be brought into compliance with the rules of the commission within 30 days after such finding. [1971 c.454 §15; 1973 c.835 §67]

483.810 [1971 c 454 §16, repealed by 1973 c.835 §234]

483.815 [1971 c 454 §17; 1973 c.835 §70, renumbered 468.385]

483.820 Certain acts with respect to certification of vehicle pollution system prohibited. (1) It is unlawful to certify falsely that a motor vehicle is equipped with a functioning certified system or that the motor vehicle complies with the rules and standards of the commission.

(2) It is unlawful to falsify any information on the certificate of compliance required by ORS 481.190 (1). It is unlawful with a purpose to defraud or with intent to cause registration of a motor vehicle that would not otherwise be eligible for registration.

(3) It is unlawful to require as a condition to the issuance of a certificate of compliance required by ORS 481.190 (1) any repairs or services unnecessary for compliance with rules or standards adopted pursuant to ORS 468.360, 468.365, 468.375 and 468.395. [1971 c.454 §18; 1973 c 835 §78]

483.825 Disconnection or alteration of factory-installed motor vehicle air pollution control device or system prohibited.

(1) It shall be unlawful for any person to disconnect or permit to be disconnected a factory-installed motor vehicle air pollution control device or a factory-installed system, as defined in ORS 468.360, nor shall any person knowingly and wilfully permit such device or factory-installed system to become or remain inoperative.

(2) It shall be unlawful for any person to modify or alter a certified system or a factory-installed system, as defined in ORS 468.360, in a manner which decreases its efficiency or effectiveness in the control of air pollution.

(3) (a) The provisions of subsections (1) and (2) of this section do not apply when factory-installed motor vehicle air pollution control equipment, systems or devices are disconnected for the purpose of conversion to gaseous fuels.

(b) As used in this subsection, "gaseous fuels" includes, but is not limited to, liquefied petroleum gases and natural gases in liquefied or gaseous form.

(4) The provisions of subsections (1) and (2) of this section are not intended to prohibit the use of replacement, conversion, turbocharger, or other alternative components in a certified or factory-installed system, if the components do not significantly affect the efficiency or effectiveness of the system in controlling air pollution. [Formerly 449 845, 1977 c 787 §2, 1979 c 872 §24]

483.830 [1973 c 580 §4, repealed by 1975 c.451 §291]

OFF-ROAD VEHICLES

483.833 Definitions for ORS 483.833 to 483.847. As used in ORS 483.833 to 483.847, "off-road vehicle" means any motorized vehicle designed for or capable of cross-country travel on or immediately over land, water, sand, snow, ice, marsh, swampland or other natural terrain. [1975 c 89 §2]

483.835 [1973 c.580 §5, 1975 c 287 §6; renumbered 487 755]

483.837 Equipment requirements when operated on certain lands and roads open to public. (1) Except as provided in ORS 483.847, an off-road vehicle is not in violation of laws governing equipment on motor vehicles if the off-road vehicle:

(a) Complies with the requirements of ORS 483.839 and 483.843; and

(b) Is operated in an area designated under this section.

(2) Subsection (1) of this section applies to those lands and roads, other than hard-surfaced roads, that are open to the public and that are in the counties of Coos, Douglas, Lane and Tillamook between U.S. Highway 101 and the mean low tide line of the Pacific Ocean:

(a) Between Coos Bay and Siuslaw River; and

(b) Within the boundaries around the Sand Beach Activity Zone and the Tillamook County Sand Beach Park area.

(3) Notwithstanding subsection (2) of this section, subsection (1) of this section also applies to any hard-surfaced road that is:

(a) A paved parking lot; or

(b) A local hard-surfaced road in an area described in subsection (2) of this section if the hard-surfaced road is designated by the governmental agency that has jurisdiction over the road. [1975 c.89 §3, 1979 c 395 §1]

483.839 Required equipment. (1) Every off-road vehicle operating in an area specified in ORS 483.837 shall be equipped with:

(a) A muffler which permits the vehicle to meet standards for noise emissions adopted by the Environmental Quality Commission.

(b) Brakes of a type specified by the Administrator of the Motor Vehicles Division.

(c) A windshield wiper if the off-road vehicle is equipped with a windshield.

(d) A flag of a type specified by the administrator of the division when the off-road vehicle is operated on sand.

(e) Such other safety equipment as is required by rule adopted by the administrator.

(2) Paragraphs (c) and (d) of subsection (1) of this section shall not apply to mopeds or motorcycles. [1975 c 89 §4, 1979 c 871 §30]

483.840 [1973 c.580 §6, repealed by 1975 c 451 §291]

483.843 Headlight and taillight requirements. Every off-road vehicle operating in an area specified in ORS 483.837 at any time from one-half hour after sunset to one-half hour after sunrise shall be equipped with and display headlights and taillights. [1975 c 89 §5]

483.845 [1973 c 580 §7, repealed by 1975 c 451 §291]

483.847 Operation without required equipment. Operation of an off-road vehicle in an area specified in ORS 483.837 in violation of ORS 483.839 or 483.843 or any rule adopted pursuant to ORS 483.839 is a Class C misdemeanor. [1975 c 89 §6]

483.850 [1973 c.580 §8, repealed by 1975 c 451 §291]

483.855 [1973 c 580 §9; repealed by 1975 c 451 §291]

483.860 [1973 c 580 §10, 1975 c 287 §8, repealed by 1975 c 451 §291]

483.865 [1973 c 580 §11, 1975 c 451 §127, renumbered 487 775]

483.870 [1973 c 580 §12, 1975 c 451 §129; renumbered 487 785]

MULTISTATE HIGHWAY TRANSPORTATION AGREEMENT

483.875 Multistate Highway Transportation Agreement. The Multistate Highway Transportation Agreement is hereby enacted into law and entered into on behalf of this state with all other jurisdictions legally joining therein in a form substantially as follows:

ARTICLE I

Findings and Purposes

SECTION 1. Findings. The participating jurisdictions find that:

(a) The expanding regional economy depends on expanding transportation capacity;

(b) Highway transportation is the major mode for movement of people and goods in the western states;

(c) Uniform application in the west of more adequate vehicle size and weight standards will result in a reduction of pollution, congestion, fuel consumption and related transportation costs, which are necessary to permit increased productivity;

(d) A number of western states, already having adopted substantially the 1964 Bureau of Public Roads recommended vehicle size and weight standards, still find current federal limits more restrictive;

(e) The 1974 revision of federal law (23 U.S.C. 127) did not contain any substantial improvements for vehicle size and weight standards in the western states and deprives states of interstate matching money if vehicle weights and widths are increased, even though the interstate system is nearly ninety-two percent (92%) complete; and

(f) The participating jurisdictions are most capable of developing vehicle size and weight standards most appropriate for the regional economy and transportation requirements, consistent with and in recognition of principles of highway safety.

SECTION 2. Purposes. The purposes of this agreement are to:

(a) Adhere to the principle that each participating jurisdiction should have the freedom to develop vehicle size and weight standards that it determines to be most appropriate to its economy and highway system.

(b) Establish a system authorizing the operation of vehicles traveling between two (2) or more participating jurisdictions at more adequate size and weight standards.

(c) Promote uniformity among participating jurisdictions in vehicle size and weight standards on the basis of the objectives set forth in this agreement.

(d) Secure uniformity insofar as possible, of administrative procedures in the enforcement of recommended vehicle size and weight standards.

(e) Provide means for the encouragement and utilization of research which will facilitate the achievement of the foregoing purposes, with due regard for the findings set forth in section 1 of this article.

ARTICLE II

Definitions

SECTION 1 As used in this agreement:

(a) "Designated representative" means a legislator authorized to represent the jurisdiction appointed by the President of the Senate and the Speaker of the House of Representatives in consultation.

(b) "Jurisdiction" means a state of the United States or the District of Columbia.

(c) "Vehicle" means any vehicle as defined by statute to be subject to size and weight standards which operates in two or more participating jurisdictions.

ARTICLE III

General Provisions

SECTION 1. Qualifications for Membership. Participation in this agreement is open to jurisdictions which subscribe to the findings, purposes and objectives of this agreement and will seek legislation necessary to accomplish these objectives.

SECTION 2. Cooperation. The participating jurisdictions, working through their designated representatives, shall cooperate and assist each other in achieving the desired goals of this agreement pursuant to appropriate statutory authority.

SECTION 3. Effect of Headings. Article and section headings contained herein shall not be deemed to govern, limit, modify, or in any manner affect the scope, meaning, or intent of the provisions of any article or section hereof.

SECTION 4. Vehicle Laws and Regulations. This agreement shall not authorize the operation of a vehicle in any participating jurisdiction contrary to the laws or regulations thereof.

SECTION 5. Interpretation. The final decision regarding interpretation of questions at issue relating to this agreement shall be reached by unanimous joint action of the participating jurisdictions, acting through the designated representatives. Results of all such actions shall be placed in writing.

SECTION 6 Amendment. This agreement may be amended by unanimous joint action of the participating jurisdictions, acting through the officials thereof authorized to enter into this agreement, subject to the requirements of section 4, article III. Any amendment shall be placed in writing and become a part hereof.

SECTION 7. Restrictions, Conditions or Limitations. Any jurisdiction entering this agreement shall provide each other participating jurisdiction with a list of any restriction, condition or limitation on the general terms of this agreement, if any.

SECTION 8. Additional Jurisdictions. Additional jurisdictions may become members of this agreement by signing and accepting the terms of the agreement.

ARTICLE IV

Cooperating Committee

SECTION 1. Pursuant to section 2, article III, the designated representatives of the participating jurisdictions shall constitute a committee which shall have the power to:

(a) Collect, correlate, analyze and evaluate information resulting or derivable from research and testing activities in relation to vehicle size and weight related matters.

(b) Recommend and encourage the undertaking of research and testing in any aspect of vehicle size and weight or related matter when, in their collective judgment, appropriate or sufficient research or testing has not been undertaken.

(c) Recommend changes in law or policy with emphasis on compatibility of laws and uniformity of administrative rules or regulations which would promote effective governmental action or coordination in the field of vehicle size and weight related matters.

SECTION 2. Each participating jurisdiction shall be entitled to one (1) vote only. No action of the committee shall be binding unless a majority of the total number of votes cast by participating jurisdictions are in favor thereof.

SECTION 3. The committee shall meet at least once annually and shall elect, from among its members, a chairman, a vice-chairman and a secretary.

SECTION 4. The committee shall submit annually to the legislature of each participating jurisdiction, no later than November 1, a report setting forth the work of the committee during the preceding year and including recommendations developed by the committee. The committee may submit such additional reports as it deems appropriate or desirable. Copies of all such reports shall be made available to the Transportation Committee of the Western Conference, Council of State Govern-

ments, and to the Western Association of State Highway and Transportation Officials.

ARTICLE V

Objectives of the Participating Jurisdictions

SECTION 1. Objectives. The participating jurisdictions hereby declare that:

(a) It is the objective of the participating jurisdictions to obtain more efficient and more economical transportation by motor vehicles between and among the participating jurisdictions by encouraging the adoption of standards that will, as minimums, allow the operation on all State highways, except those determined through engineering evaluation to be inadequate, with a single-axle weight of 20,000 pounds, a tandem-axle weight of 34,000 pounds, and a gross vehicle or combination weight of that resulting from application of the formula:

$$W = 500 \left(\frac{LN}{N-1} + 12N + 36 \right)$$

where W = maximum weight in pounds carried on any group of two or computed to nearest 500 pounds.

L = distance in feet between the extremes of any group of two or more consecutive axles.

N = number of axles in group under consideration

(b) It is the further objective of the participating jurisdictions that in the event the operation of a vehicle or combination of vehicles according to the provisions of subsection (a) of this section would result in withholding or forfeiture of federal-aid funds pursuant to section 127, title 23, U.S. Code, the operation of such vehicle or combination of vehicles at axle and gross weights within the limits set forth in subsection (a) of this section will be authorized under special permit authority by each participating jurisdiction which could legally issue such permits prior to July 1, 1956, provided all regulations and procedures related to such issuance in effect as of July 1, 1956, are adhered to.

(c) The objectives of subsections (a) and (b) of this section relate to vehicles or combinations of vehicles in regular operation, and the authority of any participating jurisdiction to issue special permits for the movement of any vehicle or combinations of vehicles having dimensions and/or weights in excess of the maximum statutory limits in each participating jurisdiction will not be affected.

(d) It is the further objective of the participating jurisdictions to facilitate and expedite the operation of any vehicle or combination of vehicles between and among the participating jurisdictions under the provisions of subsection (a) or (b) of this section, and to that end the participating jurisdictions hereby agree, through their designated representatives, to meet and cooperate in the consideration of vehicle size and weight related matters including, but not limited to, the development of: uniform enforcement procedures; additional vehicle size and weight standards; operational standards; agreements or compacts to facilitate regional application and administration of vehicle size and weight standards; uniform permit procedures; uniform application forms; rules and regulations for the operation of vehicles, including equipment requirements, driver qualifications, and operating practices; and such other matters as may be pertinent.

(e) In recognition of the limited prospects of federal revision of section 127, title 23, U.S. Code, and in order to protect participating jurisdictions against any possibility of withholding or forfeiture of federal-aid highway funds, it is the further objective of the participating jurisdictions to secure congressional approval of this agreement and, specifically of the vehicle size and weight standards set forth in subsection (a) of this section.

(f) In recognition of desire for a degree of national uniformity of size and weight regulations, it is the further objective to encourage development of broad, uniform size and weight standards on a national basis, and further that procedures adopted under this agreement be compatible with national standards.

ARTICLE VI

Entry Into Force and Withdrawal

SECTION 1. This agreement shall enter into force when enacted into law by any two (2) or more jurisdictions. Thereafter, this agreement shall become effective as to any other jurisdiction upon its enactment thereof, except as otherwise provided in section 8, article III.

SECTION 2. Any participating jurisdiction may withdraw from this agreement by cancelling the same but no such withdrawal shall take effect until thirty (30) days after the designated representative of the withdrawing jurisdiction has given notice in writ-

ing of the withdrawal to all other participating jurisdictions.

ARTICLE VII

Construction and Severability

SECTION 1. This agreement shall be liberally construed so as to effectuate the purposes thereof.

SECTION 2. The provisions of this agreement shall be severable and if any phrase, clause, sentence or provision of this agreement is declared to be contrary to the constitution of any participating jurisdiction or the applicability thereto to any government, agency, person or circumstance is held invalid, the validity of the remainder of this agreement shall not be affected thereby. If this agreement shall be held contrary to the constitution of any jurisdiction participating herein, the agreement shall remain in full force and effect as to the jurisdictions affected as to all severable matters.

ARTICLE VIII

Filing of Documents

SECTION 1. A copy of this agreement, its amendments, and rules or regulations promulgated thereunder and interpretations thereof shall be filed in the highway department in each participating jurisdiction and shall be made available for review by interested parties.

ARTICLE IX

Existing Statutes Not Repealed

SECTION 1. All existing statutes prescribing weight and size standards and all existing statutes relating to special permits shall continue to be of force and effect until amended or repealed by law.

ARTICLE X

State Government Departments Authorized to Cooperate with Cooperating Committee

SECTION 1. Within appropriations available therefor, the departments, agencies and officers of the government of this state shall cooperate with and assist the cooperating committee within the scope contemplated by article IV, section 1(a) and (b) of the agreement. The departments, agencies and officers of the government of this state are authorized

generally to cooperate with said cooperating committee.

[1981 c.345 §1]

PENALTIES

483.990 [Amended by 1953 c 124 §2; 1953 c.691 §12; subsection (7) enacted as 1953 c.587 §4; subsection (7) of 1961 Replacement Part enacted as 1953 c 151 §2 and 1953 c 344 §5, subsection (9) of 1961 Replacement Part enacted as 1953 c 257 §3; subsection (5) enacted as 1955 c 294 §4; subsection (13) of 1961 Replacement Part enacted as 1955 c 539 §3; subsection (8) enacted as 1959 c.617 §3, subsection (15) of 1961 Replacement Part enacted as 1961 c 457 §3, subsection (16) of 1961 Replacement Part enacted as 1961 c 441 §3, subsection (17) of 1961 Replacement Part enacted as 1961 c.725 §9 (4), 1963 c.32 §2; subsection (4) enacted as 1963 c.596 §2, subsection (9) enacted as 1963 c 525 §4, part renumbered 483.991; 1971 c 273 §2; subsection (6) enacted as 1973 c 510 §3; 1975 c 451 §270a; 1975 c 698 §12; subsections (4) to (8) enacted as 1975 c 451 §94, repealed by 1977 c 882 §75]

483.991 Penalties generally. (1) Any driver or chauffeur of any vehicle or combination of vehicles who fails or refuses to follow the direction of a police officer or weighmaster or stop and submit the vehicle or combination of vehicles to measurement or weighing when ordered or directed to do so by any police officer or weighmaster pursuant to the provisions of ORS 483.534 or 483.536, shall be punished, in addition to the penalties provided in ORS 483.994 to 483.997, by a fine of not less than \$100 nor more than \$500 or imprisonment for not more than 30 days, or both.

(2) Any person violating any rule, regulation or order made or adopted pursuant to authority of ORS 483.542 and 483.544 is guilty of an offense, and shall be punished by a fine not exceeding \$25; provided, however, that in any action against any person for operating a truck or other vehicle upon a street, road or highway upon which operation of such truck or vehicle has been prohibited under ORS 483.542 and 483.544, it shall be a defense if said person can establish that he could not reach his destination without traveling upon said street, road or highway.

(3) Violation of ORS 483.725 to 483.740 shall be punished, upon conviction, by a fine of not more than \$250 or imprisonment for not more than 30 days, or both.

(4) Violation of ORS 483.710 is a misdemeanor.

(5) In addition to the penalties provided in subsections (3) and (4) of this section, the operator or the owner of a snowmobile used with the permission of the owner shall be

liable for three times the amount of any damage to trees, shrubs, growing crops or other property injured as the result of travel by such snowmobile over the property involved.

(6) Violation of ORS 483.805 is a misdemeanor.

(7) Any person who violates ORS 483.765 or 483.770 is guilty of an offense and punishable by a fine not exceeding \$50. [Formerly part of 483.990, subsection (2) enacted as 1963 c.374 §2(5), subsection (8) enacted as 1963 c.315 §6; subsection (9) enacted as 1971 c.447 §4, subsection (14) enacted as 1971 c.618 §21(1); subsection (15) enacted as 1971 c.618 §21(2), subsection (16) enacted as 1971 c.618 §21(3), subsection (17) enacted as 1971 c.454 §19(1), subsection (18) enacted as 1971 c.454 §19(2), subsection (19) enacted as 1971 c.454 §19(3); 1973 c.835 §79, 1975 c.315 §6; 1975 c.451 §271, 1977 c.409 §11, subsection (7) enacted as 1977 c.777 §5]

483.992 [Amended by 1957 c.652 §1, 1959 c.511 §1, 1969 c.696 §1, 1971 c.743 §394; repealed by 1975 c.451 §291]

483.993 [1961 c.547 §6, subsection (4) enacted as 1969 c.300 §3, subsection (5) enacted as 1969 c.598 §12; repealed by 1975 c.451 §291]

483.994 Penalty for operating certain illegally equipped vehicles. (1) Violation by any driver, chauffeur or owner of any vehicle or combination of vehicles of any of the provisions, except weight provisions, of ORS 483.502 to 483.536, or of any permit issued pursuant to ORS 483.528, or of any resolution adopted pursuant to ORS 483.525, is punishable, upon conviction, by a fine of not less than \$10 nor more than \$50.

(2) A second conviction of a driver, chauffeur or owner of any vehicle or combination of vehicles for the violation of any provision punishable under subsection (1) of this section, within one year after the first conviction, is punishable by a fine of not less than \$50 nor more than \$100. A third or subsequent conviction of such person for the violation of any provision punishable under subsection (1) of this section, within one year after the first conviction, is punishable by a fine of not less than \$100 nor more than \$200. [Amended by 1953 c.691 §12, 1965 c.68 §3, 1977 c.409 §12]

483.995 [1953 c.691 §12, repealed by 1965 c.36 §2]

483.996 Penalties for violating weight provisions. (1) Violation by any driver, chauffeur or owner of any vehicle or combination of vehicles of the weight provisions of ORS 483.506, 483.512 or 483.516, or of any permit issued under ORS 483.528 for vehicles

described in ORS 483.527, or of any resolution adopted pursuant to ORS 483.525, is punishable, upon conviction, by a fine based upon the excess weight by which any gross weight exceeds the applicable gross weight authorized in such provisions, permit or resolution, as follows. If the excess weight is:

(a) One thousand pounds or less by a fine of \$2. No additional bail shall be required if the fine is paid on or before the appearance date set out in the citation.

(b) More than 1,000 pounds, but not in excess of 2,000 pounds, by a fine of not less than \$15.

(c) More than 2,000 pounds, but not in excess of 3,000 pounds, by a fine of not more than one cent per pound for each pound of the excess weight.

(d) More than 3,000 pounds, but not in excess of 5,000 pounds, by a fine of not more than two cents per pound for each pound of the excess weight.

(e) More than 5,000 pounds by a fine of not more than seven cents per pound for each pound of the excess weight.

(f) More than 7,500 pounds by a fine of not less than seven cents nor more than 10 cents for each pound of the excess weight.

(2) Violation by any driver, chauffeur or owner of any vehicle or combination of vehicles of the weight provisions of any permit issued under ORS 483.528, other than for vehicles described in ORS 483.527, is punishable, upon conviction, by a fine of not more than \$100 plus 10 cents per pound for each pound by which any gross weight exceeds the applicable gross weight authorized by the permit.

(3) If a person charged with a violation of the weight provisions of any permit issued under ORS 483.528, other than for vehicles described in ORS 483.527, produces in court a second valid permit authorizing a gross weight equal to or greater than the actual gross weight of the vehicle, combination of vehicles, axle, tandem axles, or group of axles upon which the citation was based, the 10 cents per pound penalty shall be waived by the court, and the fine shall be not more than \$100. [Amended by 1953 c.691 §12, 1959 c.647 §1, 1963 c.300 §1, 1965 c.36 §1, 1977 c.409 §13, 1979 c.281 §4; 1981 c.105 §1]

483.997 Penalties for violating resolution adopted pursuant to ORS 483.545. The penalties provided in ORS 483.994 apply to

violations of any size provisions, and the penalties provided in ORS 483.996 apply to violations of any weight provisions, of any permit issued or resolution adopted pursuant to ORS 483.545. [1965 c 34 §3]

~~483.998~~ [Amended by 1953 c.691 §12, 1959 c.506 §2; 1971 c 273 §3; 1975 c 698 §3, repealed by 1977 c 882 §75]

~~483.999~~ [1971 c 564 §2, 1973 c 798 §1, repealed by 1975 c 451 §291]
